Calhoun: The NPS Institutional Archive

DSpace Repository

Theses and Dissertations | 1. Thesis and Dissertation Collection, all items

1966

A study of the management of dependents' schooling on Marine Corps installations.

Allison, James Owen

George Washington University

http://hdl.handle.net/10945/9646

Downloaded from NPS Archive: Calhoun

Calhoun is the Naval Postgraduate School's public access digital repository for research materials and institutional publications created by the NPS community. Calhoun is named for Professor of Mathematics Guy K. Calhoun, NPS's first appointed -- and published -- scholarly author.

Dudley Knox Library / Naval Postgraduate School
411 Dyer Road / 1 University Circle
Monterey, California USA 93943

http://www.nps.edu/library

NPS ARCHIVE
1966
ALLISON, J.

THE
GEORGE WASHINGTON
UNIVERSITY

A STUDY OF THE MANAGEMENT OF DEPENDENTS' SCHOOLING ON MARINE CORPS INSTALLATIONS

by

MAJOR James O. Allison, USMC

Thesis
A389

Library
U.S. Naval Postgraduate School
Monterey, California

A STUDY OF THE MANAGEMENT OF DEPENDENTS' SCHOOLING ON MARINE CORPS INSTALLATIONS

By

James Owen Allison
Major
USMC

Bachelor of Arts
St. John's University, 1949

A Thesis Submitted to the School of Government and Business Administration of The George Washington University in Partial Fulfillment of the Requirements for the Degree of Master of Business Administration

June 5, 1966

Thesis approved by
Karl Ernest Stromsem, Ph.D.
Professor of Public Administration

NPS ARCHIVE
1966
ALLISON, J.

Thesis
A5[illegible]

Library
U. S. Naval Postgraduate School
Monterey, California

DUDLEY KNOX LIBRARY
NAVAL POSTGRADUATE SCHOOL
MONTEREY, CA 93943-5101

TABLE OF CONTENTS

Page

PREFACE ii

LIST OF TABLES iii

INTRODUCTION 1

Chapter

I. THE GOVERNMENT AND EDUCATION 4

II. THE MILITARY AND EDUCATION 9

III. LEGISLATION AND ITS BACKGROUND 16

IV. THE MARINE CORPS DEPENDENTS' SCHOOL SYSTEM 30

V. PROCEDURES AND DIRECTIVES 52

VI. SUMMARY AND CONCLUSIONS 59

APPENDICES

I. DEFINITIONS OF TERMS 64

II. SIGNIFICANT DATES IN THE RELATIONSHIP OF THE FEDERAL GOVERNMENT AND HIGHER EDUCATION 66

III. FINDINGS AND RECOMMENDATIONS OF THE COMMITTEES ON EDUCATION AND LABOR 69

IV. COMPILATION OF PUBLIC LAW 815 72

V. COMPILATION OF PUBLIC LAW 874 88

VI. U. S. OFFICE OF EDUCATION BULLETIN 12 103

VII. QUARTERLY REPORT (PUBLIC LAW 874) 125

VIII. FINAL STATUS REPORT 126

IX. U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE BULLETIN 7 (REV) 128

BIBLIOGRAPHY 132

DUDLEY KNOX LIBRARY
NAVAL POSTGRADUATE SCHOOL
MONTEREY, CA 93943-5101

FOREWORD

Nowhere among the missions assigned to the United States Marine Corps is there specific mention of its responsibility to operate a Dependents' School System on any of its installations. Yet, the Corps does operate four such systems.

At the present time, the Corps' attention is directed to the Far East, South Vietnam. Almost one quarter of its personnel are directly involved in the conflict there. Since the tour of the Marines in that sector of the world is currently established at thirteen months, the continuing provision of replacements and the conflict itself are major concerns. Little emphasis can be placed on the school systems at this time. There is too much else happening. But, the school systems at Quantico, Virginia; Camp Lejeune, North Carolina; and Parris Island and Beaufort, South Carolina are for the dependents of Marines and whatever involves a Marine concerns the Corps.

LIST OF TABLES

Table		Page
1.	Marine Corps' Operation of Dependents' Schools under Public Law 815, 1951-1965.....	32
2.	1964-65 Funds Distributed Under Public Law 874.....	33
3.	1965-66 Proposed Funds to be Distributed under Public Law 874.....	33
4.	Fiscal Year 1965 and 1966 Per Pupil Cost.....	34
5.	Quantico's Dependents' School System.....	48
6.	Some Courses Taught at Quantico High School with the Number of Students in Each.....	50

INTRODUCTION

It is intended within this study of the administration of dependents' schools on Marine Corps installations to investigate the historical background of the Federal Governmentsand the Military's interest and participation in public education and to review the events which led to the passage of Public Law 874, relating to financial assistance in Federally-affected areas, and Public Law 815, relating to the construction of school facilities in areas affected by Federal activities, and for other purposes. Further, Federal legislation that affects the administration of schools for dependents on Marine Corps installations will be examined. As a result of the evaluations, it is intended to develop suggestions for the improvement of the administration of these schools.

An overall evaluation of the school system established on Marine Corps bases has not been made to date. This study will attempt to discover if the policies, regulations and legislation governing these dependents' schools are effective. Historical, economic and operational factors embodied in legislation and directives, as affecting the Marine Corps Dependents' School System, delimit the scope of this study. Although the aforementioned factors may also affect other military dependents'school systems, they will be considered primarily from their impact and effect on the Marine Corps operation of the school systems.

The Marine Corps Dependents' School System is an entity. To study its operation and administration necessitates having a knowledge of why the system exists at all. Understanding why there is a school system operated by the Marine Corps permits a better grasp of what it does and why it functions in the manner it does. Consequently, the history of these systems is important.

The historical background in this study was obtained primarily from secondary sources: official Marine Corps records and reports, Congressional committee hearings and books and articles pertinent to the subject. They provided the answers to why the Marine Corps system exists today and how it came into being. After the Federal and military participation in education were considered, the parameters within which the Marine Corps system developed were then examined. This required consideration of pertinent Federal legislation.

Examination and study of the Marine Corps Dependents' School System was accomplished through primary and secondary sources. Secondary sources included official records of the Commissioner of Education; the Marine Corps Schools, Quantico, Virginia and Headquarters Marine Corps. Considerable information was obtained from personal conversations with officials in the office of the Commissioner of Education, school officials at Quantico and personnel at Headquarters Marine Corps. All of the individuals were most forthright and helpful in their statements.

The school system at Quantico, Virginia was selected for detailed scrutiny because of its size, second largest within the Marine Corps system, and the belief that its operation would, in general, be typical of the operation of each of the Corps' school systems. The assistance provided by the Chief of Staff, the Comptroller and the Superintendent of Schools at Quantico permitted the accrual of considerable data about the operation of the Dependents' School System on a Marine base.

Lieutenant Colonel Hazel Benn, head of the Education and Information Section, Headquarters, Marine Corps, is especially deserving of the appreciation of this writer. It was Lieutenant Colonel Benn who initially provided the subject area. Because of her interest and knowledge of the topic, she made available all of the pertinent records which she had and, subsequently, afforded entré to other

personnel familiar with the subject.

CHAPTER I

GOVERNMENT AND EDUCATION

It is well known that the Marine Corps "From the Halls of Montezuma to the shores of Tripoli,... fight(s) our country's battles in the air, on land and sea." Not so well publicized is that the Corps also has to provide the means of educating almost 8000 dependents of those Marines who fight. In June, 1965 the Marine Corps strength was 190,000. It now has an authorized ceiling of 278,000 men, 235,000 of whom have already been obtained. Such increases would indicate an increase in the total number of dependents also, and a continuing, if not increasing, demand on the school systems which educate them.

The U. S. Office of Education has authorized the Marine Corps to establish dependents' school programs at Quantico, Virginia; Camp Lejeune, North Carolina; Parris Island, South Carolina; and Beaufort, South Carolina. Schools for the dependents living on Marine bases on the west coast are operated by local school districts. The operation of the schools by the Marine Corps is authorized by the Commissioner of Education whose responsibility it is to make arrangements for the education of certain children residing on Federal property. Funds authorized by the Commissioner authorize how much the Corps spends on education; how much it can pay its teachers; and determines costs of books, rulers, wastebaskets and report cards. When the roof leaks, the furnace bursts, or a building needs a major overhaul, the Marine Corps is required to obtain permission from the Department of Health, Education and Welfare if the cost exceeds $1,500.

Public Law 874, an Act to provide financial assistance for local educational

agencies in areas affected by Federal activities, and for other purposes, requires the Marine Corps to provide a program of education which, to the maximum extent practicable, is comparable to free public education provided in comparable communities of the state of location. This determines to a degree the amount of recreational equipment that may be purchased and the extent to which these schools may support after-hours athletic programs.

The aforementioned four school systems are operated under the provisions of two public laws which are administered by The Office of Education, Department of Health, Education and Welfare. Public Law 874 pertains to everyday operation of the systems while Public Law 815 affects school construction and major repairs. The Dependents' School System has become a $3.5 million business in the Marine Corps, operated by a staff of more than 300 teachers.

In order to appreciate the Marine Corps' participation in the field of education, it is significant to be aware of the Federal government's role in education in general and the military's in particular. Neither's role has been fully accepted by some school people. Doctor L. R. Davis sent a questionnaire to 122 superintendents of schools in Federally affected areas, in order to determine what they thought about Public Law 874, which provided funds for the operation of schools on military installations. He received 103 replies. In general, they believed that the Government should not be in the education business.

> The comments of school officials repeatedly stressed the fact that the education of Federally-connected children should be conducted by regularly established agencies. Such comments as the following were made often:
>
> 'These agencies are not prepared to run an educational setup. The operation should be completely in the hands of state and local authorities.
>
> Public education is a civilian function. The military does not have the background nor the philosophy needed to operate schools.
>
> Keep it civilian!'
>
> There would seem to be little doubt that the majority

> of school officials look with disfavor upon the federal operation of post schools.[1]

If there were no real authority for Federal and military participation in the educational field, then the Marine Corps system of schools would be wrong and further study of it fruitless. Opponents of the Federal Government's participation in education argue their case historically, claiming that the Constitution precludes it.

> Much importance has been attached to the fact that the Constitution of the United States makes no reference to education. Indeed, the word education does not appear in that document. Since authority to legislate regarding education is not listed among the enumerated powers, specifically granted to the Government of the United States, and in the light of the Tenth Amendment to the Constitution, the view has been widely held that responsibility for education is exclusively reserved to the states.[2]

Whether such omission from the Constitution of the word "education" and the responsibility for it truly suggests that the Federal Government was abrogating its right in that area to the states, has been deeply disputed over the years. It is well to recall that at the time of the framing of the Constitution there was no such thing as state education. Primary and secondary education efforts were conducted at the local governmental level. Higher education was in the domain of the churches. Attempting to charge the responsibility to the states would have been pointless.

That educational responsibility may not have intentionally been given to the states is implied in President Jefferson's message to the Congress on December 2nd, 1806:

---

[1]L. R. Davis, "What Do School Officials Think of Public Law 874?" American School Board Journal, CXXVII (August, 1953), pp. 44, 60.

[2]Homer D. Babbidge, Jr. and Robert M. Rosenzweig, The Federal Interest in Higher Education (New York, San Francisco, Toronto, London: McGraw Hill Book Co., Inc., 1962), p. 1.

> Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.[3]

Rather, it would appear that education was primarily considered a private responsibility. Jefferson proposed that authority be granted to dispose of Federal monies for purpose of education, not because the states were already exercising that function, but because the power had not originally been assigned to the Federal Government.

Congress provided land grants for educational purposes as early as 1787.[4] Its interest in education continued throughout the years as was evidenced by the passage of legislation. Appendix II contains an enumeration of significant dates in the relationship of the Federal Government and higher education.

Increased intervention occurred during the 1930's because of the severe depression and unemployment. Only the Federal Government was in a position to help the school systems. Schools were built and money was provided.[5]

ASSISTANCE DURING NATIONAL DEFENSE AND WAR

With war imminent in the forties, the Government recognized even more fully the need for education. In 1940, the sum of 26 million dollars was spent for certain vocational courses below the college level. About 60 million dollars was spent for Engineering, Science and Management War Training of more than one-and-

---

[3]Ibid., 4.

[4]Frederick Eby, The Development of Modern Education, (Englewood Cliffs, N. J.: Prentice Hall, Inc., 1952), p. 399.

[5]Hollis P. Allen, The Federal Government and Education (N. Y.: McGraw Hill Co., Inc., 1950), p. 99.

a-half million men and women.[6] Through its implementation under the draft laws, the Federal Government has heavily influenced education indirectly since many who would not have ordinarily done so before, now attend to postpone being drafted.

The G. I. Bill of Rights, effective after World War II and the Korean conflict, again involved the Federal Government in education. Under Public Law 346, the operation was conducted entirely by the Federal Government. Passed by the 78th Congress in 1944, it attempted to alleviate the problems of veterans returning to civilian life. The opportunity for almost 3½ million Americans to further their education by virtue of Federal assistance had to make the nation more receptive to the participation of the government in this field. A precedent had been established.

Some may say that these intrusions of the Federal Government occurred in times of stress and under unusual circumstances. While debate may occur as to the manner, extent, purpose or effect of Federal participation, there can be no debate as to the fact that it does participate.

In an appearance before a committee of the House of Representatives in March 1961, former Secretary of Health, Education and Welfare, Abraham A. Ribicoff, emphasized this point with the following statement:

> ...the question of whether the Federal Government should play a part in the enterprise of higher education is simply not a real one. The Federal Government has had an important part in that enterprise for 100 years. Its part has grown dramatically in the last 20 years, and the real question that faces us...is what shall the Federal Government do now, in 1961, to play its part in ways that will contribute to the continued development of a strong and vital system of higher education.[7]

---

[6]Dawson W. Hales, Federal Control of Public Education (N. Y.: Bureau Publications, Teachers' College, Columbia Univ., 1954), p. 63.

[7]Babbidge, p. 30.

CHAPTER II

THE MILITARY AND EDUCATION

There was no Federal provision for the education of servicemen's children until 1821. The Department of the Army was the first military agency to call this problem to the attention of Congress. Credit for the inauguration of a system of schools for children residing on military posts belongs to General Winfield Scott.[1] The Army attempted to impress the importance of providing schooling for the education of its employees' children. As a consequence, legislation was approved in 1821, authorizing the establishment of schools upon military posts for the children of Federal employees living thereon. Schools so established offered education to members of the military as well as to the children of the military personnel. Funds to defray the expense of this system were obtained from the agency's budget. Numerous inconsistencies developed under this approach. Since 1821, dependents living at the Military Academy at West Point have had a public education without cost. Those at the Naval Academy, Annapolis, have not had this benefit. Not only was there no consistent policy on the part of the Federal Government, there was no consistency in regard to military installations. Some established post schools, others did not. In some instances, some of the children on a post attended its school while others did not. Financial arrangements for payment were varied. The post reimbursed some school districts wherein the dependent children were in attendance; in many other cases, this was a parental responsibility.

---

[1]Lloyd E. Blauch and William L. Iversen, Education of Children on Federal Reservations, Staff Study Number 17 (Washington, D. C.: U. S. Govt. Printing Office, 1939), p. 20.

In some communities, the residents upon a post were looked upon as unwelcome transients. Legal actions were sometimes instituted to enjoin their exercise of what were considered community rights. An historic and far-reaching effect resulted from the Summary statement of the Massachusetts Supreme Court in 1841 when it declared:

> Persons who reside on lands purchased or ceded to the United States for navy yards, forts, and where there is no other reservation or jurisdiction to the State than that of a right to serve civil and criminal process on such lands, are not entitled to the benefits of the common schools in the towns in which the lands are situated-- nor are they liable to be assessed for their polls and estates to State, county and town taxes, in such towns -- nor do they gain a settlement in such towns, for themselves or their children, by residence for any length of time on such lands -- nor do they acquire by residing on such lands any elective franchise as inhabitants of such towns.[2]

The court, by virtue of this statement, placed the responsibility for the education of children of Federal employees residing on Federal property upon the offices of the United State Government. This decision made an impact inasmuch as in 1841 the public school system in many of the states was in its formative stage. It was a precedent for subsequent similar decisions on the part of many communities. By virtue of it, states passed legislation which prohibited them from contributing to the education of these children. Its effect is still felt today.

The responsibility for education passed to the commanding officers of the posts. Educational facilities were de-emphasized. The size was dependent upon the commanding officer and the appropriations given to him. There was no system; there were as many systems as there were posts. Too frequently, the children suffered. In some cases, the parents sent their children to private schools. This further disrupted the relations between the posts and their surrounding communities.

---

[2] Metcalf, 580 Massachusetts 184.

In 1922, one-hundred and one years after the enactment of the original bill, the Congress discontinued appropriating funds for military post schools. There was no substitute provided. Many of the schools disappeared. Some continued to operate in spite of the lack of funds. Post recreation funds and parental payments helped to fill the void and the situation persisted for another 19 years in this fashion. In some instances, special appropriations were provided. This system continued through World War II and during the life of the Lanham Act.

> The Advisory Commission appointed by President Franklin D. Roosevelt in 1936 produced a comprehensive report recommending that the education of children residing on government reservations and at foreign stations be unified under a single program administered by the United States Office of Education. The Commission urged the use of public schools for the education of these children whenever possible. They approved the appropriation of federal funds to implement local programs when necessary.[3]

Prior to this, military dependents were, by and large, educational orphans. The Federal Government had remained clear of the problem for a long time. But, the military population was growing. It was beginning to have an impact on the nation. In 1937, Congress began to revive its interest in education for children on military reservations with an appropriation of funds for the support of a post school at the United States Military Academy. This action was succeeded by additional acts to provide funds for various post schools. In 1938, Congress authorized funds for post schools at three Navy reservations: (1) Indianhead, Maryland; (2) Dahlgren, Virginia; and (3) Charleston, West Virginia.[4]

With the onset of World War II, and the immense influx of personnel into the

---

[3]William Simmons, An Appraisal of Federal Assistance for Educating Children in Localities Affected by Federal Activities: Public Law 815 and Public Law 874 (unpublished Ph.D. dissertation, Dept. of Education, Wayne State Univ., p. 156.)

[4]L. R. Harris, A Study of Federal Assistance to Federally Affected Schools with Special Attention to the State of Virginia (unpublished Ph.D. dissertation, Dept. of Education, University of Virginia), p. 29.

armed services and the large migration of people to certain areas for employment, there was an immediate increase in school population. It was no longer just a post problem involving several thousand children. It affected the surrounding communities and it was big. Many of the new industries, because of their Federal connection, did not pay taxes to the local communities. Even minimum education standards suffered. Relief was needed; relief was provided.

The Lanham Act was passed in 1941. Its purpose was to alleviate the problems in school districts affected by the large number of Federal employees, both civilian and military, and by an increase in tax free land. The Lanham Act relieved the pressure. The problem of educating military dependents became part of the larger one facing Federally-impacted areas. More people were concerned with it. The Lanham Act had improved things considerably.

As of 1947, ten states had legislation making some provision for children living on military reservations:

<u>Illinois</u> — The State provided tuition payments to local school agencies for children living in veterans' hospitals or military encampment areas.

<u>Iowa</u> — The State of Iowa assumed responsibility for paying costs of education to children living on Federally-owned property.

<u>Maine</u> — Special arrangements might be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog-warning station, life-saving station, or other place within a United States Government reservation, under such rules and regulations as might be made by the State Commissioner of Education and approved by the governor and council.

Nebraska — Children of men in military service might attend public school in Nebraska without paying tuition. Tuition payments were made to the local school agencies by the State of Nebraska from the general fund.

New Jersey — The State of New Jersey provided $45 as State aid for each pupil who came to local schools and who lived on a Federal reservation.

New York — State aid was apportioned to local school agencies for children who came from military reservations in the same amount and upon the same conditions as other children in the district.

Texas — The State Board of Education might establish independent school districts upon any military reservation in the State of Texas. State aid then would be apportioned to such a district as it was to others in the State.

Vermont — The State of Vermont paid to local school agencies tuition for children who came from Fort Ethan Allen Reservation.

Virginia — Children living on Federal military or naval reservations in the State of Virginia were admitted to public schools without tuition charges.

Washington — Children living on Federal reservations in the State of Washington were allowed to attend public schools tuition free. The State assumed responsibility for payment of the education costs.[5]

Arkansas and Delaware admitted these children free of cost although lacking

---

[5] Ibid., p. 28.

legislation. Ohio permitted them admittance since school districts received equal support from the State for all children. Parents were required to pay only the amount which local taxation provided for other pupils.

Since Congress made it clear that the Lanham Act was only a temporary measure, something else had to be considered to supplant it upon its expiration.

> The Defense Department in 1949 was seeking an overall program that would offer a unified program of federal assistance to school districts educating children of the members of the armed services. Many branches of the armed services were conducting individual educational support programs that placed a heavy burden on their budgets. Other branches of the armed services ignored the problem and placed the educational responsibility of children of armed service personnel on the parents themselves.[6]

Such was the educational situation for military dependents on military reservations prior to the enactment of Public Laws 874 and 815.

> The federal government is by far the largest land owner in this country. Many of its holdings are as old as the country itself while others have been acquired within recent years. In almost all cases until 1950, however, there was no semblance of a uniform or consistent policy with regard to the education of the children living on these various federal reservations and installations. It is of interest to note that every one of the states of the Union has a compulsory school attendance law while, on the other hand, the federal government has none whatsoever except in the District of Columbia. The refusal on the part of many states to provide education for these pupils and the neglect on the part of the federal government to accept the responsibility meant that the parents had to finance the educational program through private tuition.[7]

Constitutionality was not really the question, rather it was justice. Blauch expressed the matter as follows:

---

[6]Simmons, pp. 27-28.

[7]Orman Russel Edgington, A Study of Public Law 815 and Its Administration in Ohio 1950 through 1958 (unpublished Ph.D. dissertation, Dept. of Education, Ohio State University), p. 30.

There is no constitutional obligation placing upon the Federal Government responsibility for public services, such as education, to reservations. However, it is clear that, in accordance with the idea that the general welfare will suffer if children are not educated, and the American principle that each child has a right to a free education, definite obligation rests upon the Federal Government for the education of children residing on those reservations which are under exclusive Federal jurisdiction. By some means or other the Federal Government should recognize its responsibility for the free education of these children and make provisions for discharging it.[8]

---

[8]Blauch, p. 10.

CHAPTER III

LEGISLATION AND LEGISLATIVE BACKGROUND

Public Law 874, an Act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes, and Public Law 815, an Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes, were the basis for the existence and operation of schools for dependents on Marine Corps bases. To understand the system, one must understand Public Laws 874 and 815. The developments leading to the passage of these laws wove together the concept of Federal responsibility for educating military dependents with the military operation of school systems. The resultant fabric, the above-mentioned legislation, became the authority for the construction and operation by the Marine Corps of schools for military dependents.

Impetus for the eventual adoption of Public Laws 874 and 815 dated back to the 1940's. The onset of World War II magnified the educational problems affecting the individual states. More than ten million men and women entered the armed services while many more millions entered defense industries and Federal employment to assist the nation in its hour of need. The Marine Corps increased in size from 25,000 to 500,000. There were large shifts in population. The offspring of these people by virtue of their number overwhelmed the capability of existing schools. The local school districts were not able to cope with the problem for several reasons: (1) they did not have sufficient resources to expand the existing school systems (2) they were frequently afraid to attempt to expand the

existing system because it was anticipated that the need would be minimal after the war, and (3) much of the tax-providing land was not available as a source of revenue since it was under the cognizance of the Federal Government and not subject to local taxes.

Passage of the Lanham Act in 1941 minimized the problems. The Federal Government provided funds to the local school districts when evidence was presented demonstrating that Federal employees' dependents were the cause of the shortage of school space or that they were an undue expense. Through 1947, more than one hundred eighty-seven million dollars was spent on this program for school construction, maintenance and operation assistance and care of children for mothers working for defense.

What had not been anticipated, however, was that many of the former military and defense workers would not return to their original communities and that much land would continue to be denied to the local communities by the Federal Government. War-time problems persisted. Some school systems continued to receive Federal aid until 1950. Congress acknowledged that the United States Government had a large share of the responsibility for the difficulty and set forth to meet that responsibility. Military dependents were inextricably bound up in the consideration of education. The United States Commissioner of Education underlined the needs of these children before Congress when he described the situation in 1948 as follows:

> The only children in the United States who are disenfranchised from the right to a free public education are those who reside on Federal reservations or other Federally-owned property. All other children in this country have the right to a free public education guaranteed them as a part of their birthright.
>
> The Federal Government has never established a comprehensive policy or plan for the education of these children. On the vast majority of the 1,100 reservations and Federally-owned properties the sole responsibility for the education of any child rests upon the head of the family. In fact, there are no compulsory attendance laws or any educational laws whatever

> for that matter, that apply to most of these children. Thus these wards of the Federal Government occupy the same status as did the children living in the several States, a century or more ago, before there was any provision by the States for free public education.
>
> The result of the lack of Federal policy has led to the development of a confused set of haphazard educational arrangements. While it is true that a few of these arrangements are adequate, most are poor, and in other cases there are no arrangements whatever for the education of the children. Any comparison will show the startling inequities in the treatment of children living on one Federal reservation as contrasted with another.
>
> Some of the children involved have been able to attend local public schools through the generosity of State and local taxpayers, while others have been required to pay tuition. Many children have attended makeshift schools on Federally-owned lands which were set up by a group of interested parents or other interested parties, and still others have had no provisions for education whatsoever.[1]

A cry for help was raised to Congress by the affected communities. Although no new funds for construction were made available, money, on a restricted basis, was continued for maintenance and operation of schools through the 1949-50 school years.

Congress' intention to withdraw from the program under the Lanham Act was obvious. However, it had recognized that many Federal agencies had an impact on the community in which they were located. Therefore, they had authorized these agencies to give help to such areas. By 1950 there were many such instances resulting in inequalities and injustices because of the lack of uniformity in applying the funds. The 1st Session of the 81st Congress passed legislation to continue financial assistance for one more year while authorizing the House Education and Labor Committee to appoint subcommittees to investigate and obtain sufficient information on the nature and extent of the problem.

---

[1]U.S. Congress, House, Committee on Education and Labor, Emergency Educational Aid for Government Reservations, 80th Cong., 2nd Sess., 1948, Vol I, pp. 31-82.

Subcommittees were established and lengthy and detailed hearings were held to air and evaluate the entire problem of education in Federally impacted areas. Educators, administrators, politicians and military personnel were invited to participate. The hearings were held in the field and they were nationwide: Washington, D. C.; Boston; Norfolk; Cherry Point, North Carolina; Charleston, South Carolina; Fort Worth, San Antonio and Orange, Texas; Phoenix; Detroit; Los Angeles; Dayton; Bremerton; San Francisco; Seattle; Louisville; Salt Lake City; Atlanta; Jacksonville, Florida; Richland, Washington; Omaha and Hastings, Nebraska. Approximately 600 witnesses appeared from 42 states.

In the hearings in the Capital, the military made a concerted effort. Major Gordon Tapper of the Judge Advocate General's Office presented the Army position:

> Shortly after the end of the war a number of school districts adjacent to military installations requested financial assistance from our local commanders in order to defray the costs of providing public schooling to our post-resident children. These requests were based on three considerations: (1) The tax-exempt status of the public quarters in which our post-resident children lived precluded the school districts from obtaining their normal property tax revenues for the schooling of these children. (2) The precedent of Federal assistance in similar matters established by the Lanham Act during the war period. (3) The financial difficulties confronted by the schools in an inflating economy and the increase in the number of pupils enrolled in the public schools. Because of the impact on the morale of those of our military and civilian employees who were obliged under these circumstances to pay high tuition charges for the public schooling of their children, the Department felt that financial assistance from the department level was justified...
>
> Because of a continuation of all three of the factors which caused this problem, the number of post-resident children requiring financial assistance from Army sources for public schooling in the continental United States, its territories and possessions, has increased approximately 100 percent since fiscal year 1948 and the cost per pupil has increased approximately 20 percent...
>
> The Department of the Army earnestly recommends that this committee favorably consider HR 4115, or a bill substantially similar, and further recommends that such a bill be enacted into law at the earliest possible date,

> in order to replace the temporary and inadequate assistance program presently provided by the Army in the solution of this problem.[2]

Mr. John B. Platt, Office of the Fiscal Director, Department of the Navy, followed Major Tapper and presented the Navy's position. He substantially agreed with the contentions of the Army in general and then presented a parochial consideration. He stated:

> The nature of the Navy problems in this regard is twofold. In the first place, there is the problem that arises where dependents of civilian and naval personnel are on tax-exempt Federal property, whether in a naval shore establishment or in a Navy housing project. In the second place, there is the problem that arises in a local school district that has to cope with a sudden and substantial increase in school enrollment as a result of an influx of people in connection with the establishment or reactivation of a naval activity.
>
> The Navy recommends the early adoption of a broad program of handling Federal financial assistance to local school districts for the education of dependents similar to the provisions of HR 4115 and its companion bill S 1724 which are currently before this Congress. The United States Commissioner of Education, who would be charged with the responsibility of administering this program, wouldbe enabled to establish a uniform and consistent policy throughout the country for the education of the dependents of personnel of the various Federal agencies concerned. Aside from this advantage, the bill would relieve the Navy from the administration of a program that is, at best, a remote incident to its primary function. The Navy desires that the budgetary responsibility for the support of State educational systems be transferred elsewhere so that its budget will be more realistic as to the dollars needed for national defense purposes.[3]

For clarification, it should be noted that HR 4115 and S 1724, mentioned in the foregoing quotation, are substantially what became Public Law 815 and Public Law

---

[2]U.S. Congress, House, Committee on Education and Labor, Federal Assistance for Educating Children in Localities Affected by Federal Activities, 81st Cong., 1st Sess., 1948, pp. 8-10.

[3]Ibid., pp. 40-41.

874, respectively, in 1950.

Lt. Colonel Harry C. Eckhoff testified for the Air Force. He emphasized the strain placed upon the Air Force budget through the operation of the schools under the then current system, stating:

> The provision of adequate educational facilities and services for the dependents of military personnel constitutes one of the major problems confronting the Department of Defense. Within the continental United States and its territorial possessions, the great majority of the dependents of military personnel obtain their education through the medium of local public school agencies.
>
> The emphasis attached to this program is not the result of any voluntary attention from the three services but results from the demand of local public schools for financial assistance to pay for the cost of educating children who reside on Federal property...
>
> A definite requirement still exists for appropriate legislation which will present a permanent solution to the problem of education of dependents, both within the continental United States and abroad.
>
> Numerous requests have been received by Headquarters United States Air Force for the establishment of additional schools at Air Force bases where the facilities of the local school districts are overburdened by the increase of military and civilian personnel stationed at these bases. Aid has also been requested by school districts for children of Air Force personnel who while not residing on Air Force bases are living in areas adjacent to them and are using the facilities of the local public schools, resulting in overcrowded school buildings...[4]

When the subcommittees went into the field for further hearings, several representatives from the Marine Corps had an opportunity to express the local commanders' feelings in regard to the operation on a base of the school system for military dependents. Hearings were conducted at Marine Corps Air Station Cherry Point, North Carolina. Brigadier General Ivan W. Miller, Commanding General, appeared and expressed a desire to get out of the school business and permit the school authorities of Craven County to operate it.[5] The system had been initiated

---

[4]Ibid., pp. 57-59.

[5]Ibid., p. 378.

on the station because the local community was unable to provide educational facilities for the increasing number of military dependents. At that same hearing, it was reported that schools, kindergarten through eighth grade and ninth through twelfth were administered by the Marine Corps at Camp Lejeune, North Carolina. The operation and administrative authority were vested in a school board appointed by the Commanding General. Of the thirty-two teachers at Camp Lejeune, twenty-nine came under Civil Service.

Mr. R. C. Haydon, Assistant Superintendent of Education from Richmond, Virginia stated that the school system at Marine Corps Base, Quantico, Virginia was under the supervision of the State of Virginia by courtesy. This was necessary, he explained, because the State officials had authority to enter upon the base only by virtue of the consent of the Commanding General. He further indicated that Quantico's teachers came under Federal Civil Service jurisdiction. Overall, he indicated that this relationship was a satisfactory one to the State.

In Beaufort, South Carolina, hearings Lieutenant Colonel Maynard M. Mohrden presented the position of the Marine Corps Recruit Depot at Parris Island. His recommendations were quite pointed. He requested:

1. That direct Federal aid be authorized for the school districts overburdened with school enrollment, brought about by Government construction and defense program (HR 3487) based directly on a proportionate reimbursement.
2. That Federal aid be provided for education of children residing on certain non-supporting Federally-owned property, and children residing in localities overburdened with increased school enrollment resulting from Federal activities in the area, in order to relieve the Navy from administration of a program that is at best a remote incident to its primary function.
3. That a non-military-naval agency be authorized to establish the policies and handle funds necessary to implement such a program.[6]

---

[6]Ibid., p. 446.

Upon completion of his testimony, the following exchange occurred between him and a member of the subcommittee:

Mr. Bailey: "One rather pertinent question in connection with your own post school, would the Marine Corps like to get out of the school business?"

Lt. Col. Nohrden: "Categorically, I would say 'yes'.[7]

Brigadier General Omar T. Pfeiffer, Chief of Staff, Marine Corps Brigade, Camp Pendleton, California represented Major General Graves B. Erskine at the Los Angeles hearing. While his remarks may not have been as pointed as those of Lt. Colonel Nohrden, they did indicate that the relationship with the local school districts, Fallbrook and Oceanside, was not satisfactory.

Representatives of the Marine Corps concurred with the majority: a change was necessary. Standardization, stability and permanency were required in regulations if the children were to be considered properly.

> ...since each of the Navy Bureaus was permitted to make its own arrangements for the education of its children, there was a great variance of plans.
>
> At some bases, school buildings were constructed and equipped by the Navy but operated by the local school boards of education. In other cases, the pupils attended local public schools with the Navy paying the tuition. Still another plan was adopted at some posts where the schools were operated by the Commanding Officers and teachers were placed on Civil Service status.[8]

The Navy had a problem and so, too, did the Marine Corps.

The subcommittees indicated that Federal activities did have an impact on school districts, as contended, when they found:

1. The introduction of a Federal operation brought an influx of additional personnel and a resulting burden to the school system.

---

[7] Ibid., p. 448.

[8] Edgington, p. 34.

2. Tax income for the community and its consequential availability for school systems were reduced with Federal ownership or control of property.[9]

In many communities, both conditions existed. Camps, forts, and bases were among those Federal agencies found to be contributors to the problem:

> Three-hundred and fifty-six school districts responded to a questionnaire and indicated that the Federal impact on their school system was in excess of 10%. They reported an enrollment of 1,530,563 children for the 1949-50 school year whereas it had been 882,110 before World War II. They attributed an increase of 73.5% to Federal activities. 130,612 were living on non-taxable Federal property and about an equal number were listed as dependents of parents working on tax-free Federal property. Approximately 90,000 more were enrolled in their schools as an indirect result of Federal activities. There was almost a 1200% increase in the number of children living on tax-free property since the beginning of the Federal impact and an increase of 470% in the number of dependents of parents working on Federal projects but not living during the same period on Federal property.[10]

The specific detailed findings of the subcommittees are found in Appendix III. In general, it was found that the activities of the Federal Government did impose a financial burden on some local school districts. The burden was created by the influx of people as well as the Federal ownership of land. Based on its findings, specific recommendations to alleviate the problems were made by the subcommittees. Pertinent to this study was a recommendation to permit the use of a Federal allotment to be used for the operation of schools on Federal lands, either where state laws prohibit the local authorities from operating such a school, or where they are prevented by some other reason.

Approval was given to two measures drafted to correct the aforementioned inequities and implement the recommendations. Public Law 815, authorizing Federal

---

[9]House Committee on Education and Labor, Federal Assistance for Educating Children, p. 5.

[10]Ibid., p. 71.

funds for assistance for school building construction in Federally-affected school districts, was passed on September 23, 1950. Its companion, Public Law 874, giving financial assistance for maintenance and operation of schools in these districts, was approved on September 30, 1950, one week later. These laws confirmed the responsibility of the Federal Government to assist public education in areas where the school district had been Federally-affected. They also provided authority and funds for the expansion and continued operation of the dependents school system on Marine Corps bases.

Public Law 815 authorized financial assistance in constructing school facilities wherein Federal activities had created an impact on the school district in a community. It was provisions within this law that affected the construction of schools on Marine Corps bases. A compilation of the law is found in Appendix IV.

Title I of Public Law 815 was important in that it provided the frame of reference for the implementation of the law. It provided funds to the states to assist them in making a survey of their school facilities' needs and in making state plans to determine their ability to accomplish their needs. Although the provisions under Title I have been completed, it was the tool whereby Congress discovered the needs of the states and the states' financial ability to meet those needs.

Title II provided for the construction of the school facilities in the Federally-impacted areas in the original law. It was therein that the Commissioner of Education was given authority to construct or provide the needed facilities for children living on Federal property.

The original program of construction provided under Public Law 815 was to last through the 1951-52 school year. However, the Korean conflict produced an effect similar to that of World War II; it reduced classroom space as Federal defense activities increased. The Marine Corps increased in size from 75,000 to 200,000

men as a result of the fighting. The need continued for assistance under Public Law 815.

Public Law 243 was passed in 1953. This law amended Public Law 815 by allowing for the increase in Federally-affected children as a result of the Korean conflict. Additional funds were provided for construction. A Title III was added which altered the law itself. Prior to the passage of Public Law 243, the complete school facility was authorized for construction. The new Title III indicated that funds from the Federal Government should only be used in constructing minimum school facilities.

Public Law 815 was made permanent for pupils whose parents resided on and were employed on Federal property by the passage of Public Law 85-620 in August 1958.

Under the provisions of Public Law 815, as amended, the Federal Government's share of financing school construction could not exceed the cost of constructing minimum school facilities and could in no case exceed the cost in a school district of constructing minimum school facilities for the estimated number of pupils who would be in membership of a school district at the close of the increase period or who, otherwise, would be without facilities at that time.

Prior to filing application with the Commissioner of Education for funds under Public Law 815, it was mandatory to forward it via the state educational agency that was concerned. This had to be done prior to the distribution of any money for the purpose of construction or major modification.

At the time of the application, the district seeking assistance under Public Law 815 had to submit the following information:

1. A description of the site and the proposed project, including preliminary drawing of the construction proposed, as well as any other information deemed appropriate by the Commissioner.

2. Assurance that, during the construction and before the completion of the project, all required reports relating to the project would be submitted as the Commissioner of Education required of the district that had made application.

The Dependents' School System on Marine Corps installations was affected by Section 10 of Public Law 815. This section provided for the construction of school facilities for children who resided on Federal property in areas where it was forbidden to spend state or local money for their education by state law or where the local educational system could not provide suitable free public education for them. In each state wherein the four Marine bases operated school systems, the states were forbidden to spend state or local money for the education of the children living on the bases. In those instances, the Commissioner was authorized to construct minimum school facilities for the dependents' use which had to be comparable to the minimum facilities in other like communities in the state.

Any department, agency, officer, or employee of the United States was prohibited from exercising any control, direction or supervision over the personnel, curriculum or program of instruction of any school or upon a state educational agency.

Authority for the establishment of regulations, standards and procedures as to the wage provisions of this act was given to the Secretary of Health, Education and Welfare. Authorization to utilize other agencies in carrying out the provisions of this act was also given to the Secretary. Any Federal agency that utilized Federal property where school children resided, or who were responsible for activities creating the need for additional school facilities, were to cooperate with the Commissioner of Education in his efforts to obtain information to accomplish this act.

It was mentioned earlier that defense budget funds had been used for

dependents' schools. As of the passage of Public Law 815, no other appropriations were to be given for the purpose of school construction other than what was provided for under this act.

On September 30, 1950, Public Law 874 was approved. It established the responsibility of the Federal Government to provide financial assistance to local school districts wherein Federal activities had created burdens. Included among the burdens was the one created by the provision of education for children residing on non-taxable Federal land.

Provision was made for the education of children living on Federal property when a state or local educational agency was precluded from spending public funds for their free public education. As in the case of school construction already discussed, this prohibition affected all four Marine activities that had school systems. The U. S. Commissioner of Education was empowered to make arrangements for operating schools on Federal reservations. A standard for the operation was established in that it was directed that Federally supported schools were to provide therein, educational opportunities comparable to free public educational opportunities provided in comparable communities in the state concerned.

Any department, agency, officer or employee of the United States was enjoined by Public Law 874 from exercising any direction, supervision or control over the personnel, curriculum, or program of instruction in any school, school district, or the state department of education. The U. S. Commissioner of Education was vested with the authority to implement this act. Further, he was required to make an annual report to the Congress concerning the administration of the act, including a statement of revenue and disbursements. Public Law 874, complete, will be found in Appendix V.

Subsequent to its passage, Public Law 874 was affected by several amendments:

1. Public Law 248 extended the provisions of the original act for another two years. Another change included was basing the eligibility for Federal assistance on the average daily attendance of the preceding fiscal year rather than on the current fiscal year.
2. Public Law 949 was approved in August 1956 by the 84th Congress and extended Public Law 874 for another two years. The requirements for eligibility for payment were again revised and were to be based once more upon average daily attendance for the current fiscal year rather than the previous fiscal year.
3. The 85th Congress passed Public Law 85-620 in August 1958. In addition to extending Public Law 874 for another two years, it extended, on a permanent basis, the category of Federally-connected children who reside on Federal property with a parent employed on Federal property.

CHAPTER IV

THE MARINE CORPS DEPENDENTS' SCHOOL SYSTEM

Up to now, consideration has been directed to the history of Federal participation in the field of education and the general development of educational facilities and opportunities for military dependents. Further, Public Law 874 and Public Law 815, both as amended, have been examined with special emphasis devoted to their impact on the military dependents' school system.

> Public Law 874 and Public Law 815 are unique in that they introduced a new comprehensive policy for the discharge of Federal responsibilities respecting education in federally affected areas throughout the nation. The two laws centralized in the United State Office of Education the responsibility for administering federal financial assistance to school districts overburdened with school problems because of defense programs and other federal activities.[1]

All of the foregoing is necessary background before considering the dependents school systems on Marine Corps installations, their organization and their operation.

The Marine Corps has eight major installations in continental United States. They are at Camp Lejeune, North Carolina; Quantico, Virginia; Parris Island and Beaufort, South Carolina; Yuma, Arizona; San Diego, Camp Pendleton and El Toro, California. Of the latter four, only Camp Pendleton will be mentioned again, and then only briefly. The bases in the west are not of significance to this study since they do not have school systems located on them that are operated by the Marine Corps.

Each of the Marine Corps dependents' schools systems, it is worthy of note,

---

[1]Simmons, p. 11.

are located in the South. This assumes significance when we ponder the reason for having the system at all. An official from the Office of Education contended:

> The reason we have federal operations is because, in the words of the statute (Public Law 874) no local educational agency can expend state or local funds for the education of children living on federal property, or, no local agency can provide suitable free public education for these children...He (Secretary Ribicoff) told the Committee (subcommittee of the House Committee on Education and Labor, 1962) that he would determine, for the beginning of the Fall of 1963, that education which was segregated on the basis of race was not suitable education.[2]

Although Camp Lejeune, Parris Island and the Quantico dependents' school systems pre-date Public Law 874 and Public Law 815 by many years, the following is applicable to them as well as to Beaufort, which is of more recent origin:

> In any case where education was being provided on January 1, 1955, or thereafter under an arrangement made under this subsection (6a) for children residing on an Army, Navy (including Marine Corps), or Air Force installation it shall be presumed, for the purposes of this subsection, that no local educational agency is able to provide suitable free public education for the children residing on such installation until the Commissioner and the Secretary of the military department concerned jointly determine, after consultation with the appropriate State educational agency, that a local educational agency is able to do so.[3]

In discussing Public Law 874 earlier, it was indicated that the authorization to pay for children living on Federally-connected projects is now permanent. It should be noted in this connection at this time that, in the matter of appropriations, the money required to operate schools under Section 6 is give the number

---

[2]Minutes of the Dependents' School Conference, June 18, 19, 1964 at U. S. Marine Corps Air Station, Beaufort, South Carolina, in the files of the Education Officer, Headquarters Marine Corps.

[3]U.S. Congress, "An Act to Provide Financial Assistance for Local Educational Agencies in Areas Affected by Federal Activities, and for Other Purposes," Public Law 874, 81st Cong., 2nd Sess., 1950, p. 11. (Termed the Quantico Amendment, it was proposed and passed when serious consideration was being given to close the school system at Quantico.)

one priority and further, that it is on the basis of receiving 100% of its approved budget. In view of the permanent features attached through legislation, the schools systems operated under Section 6 could continue many years in the future. Militating against this possibility, however, is the Commissioner's expressed policy to have students educated locally whenever possible. While the program may be reduced as the question of suitability is resolved, it is, as of now, a large effort. In 1965, $17,500,000 was expended for 45 thousand children under Section 6. This money was distributed from New York to Wake Island and from Massachusetts to Florida. Of 55 operations in 1964, seven used more than a million dollars. The dependents' school system operated on Marine Corps installations has also benefited as a result of the overall benefits provided under both Public Law 874 and Public Law 815.

Table 1*

Marine Corps Operation of Dependents' Schools
Under Public Law 815, 1951-1965

Installation	No. of Projects	1951-65 Fed. Funds Reserved	Pupils Housed	1965 Fed. Funds Reserved
Camp Lejeune	9	4,220,831	3,745	23,000
Parris Island	3	143,866	180	15,000
Beaufort	2	423,265	1,320	94,000
Quantico	7	3,402,939	2,245	-
TOTALS	21	8,190,901	7,490	

*Calculated from: U.S. Dept. of Health, Education and Welfare, Office of Education, Administration of Public Laws 874 and 815, Fifteenth Annual Report of the Commissioner of Education: June 30, 1965 (Washington: U. S. Government Printing Office) pp. 217-219.

Of the twenty-one school systems operated under Section 6 on military installations, the Marine Corps is responsible for four and the Navy one -- Dahlgren, Virginia. Other than the expenses granted under Public Law 815, the Marine Corps receives practically all of its remaining funds for the schools' operation under

Public Law 874. This phase of the program has proceeded to increase markedly. This growth is graphically demonstrated by an examination of funds disbursed by the United States Office of Education in fiscal year 1964, compared with the anticipated payment for fiscal year 1966.

Table 2*

1964-65 Funds Distributed Under P.L. 874

Installations	Grades	ADA	Total Cost
Camp Lejeune	1-12	4,266	1,618,779
Parris Island	1-8	259	92,035
Beaufort	1-6	1,012	281,727
Quantico	K-12	2,053	1,017,599
TOTALS		7,590	3,010,140

*Calculated from: U.S. Dept. of Health, Education and Welfare, Office of Education, Administration of Public Laws 874 and 815, Fifteenth Annual Report of the Commissioner of Education: June 30, 1965 (Washington: U.S. Government Printing Office) pp. 108-109.

Table 3*

1965-66 Proposed Funds to be Distributed under P.L. 874

Installations	Grades	ADA	Total Cost
Camp Lejeune	1-12	4,392	1,952,508
Parris Island	1-8	277	110,808
Beaufort	1-6	1,193	381,617
Quantico	K-12	2,255	1,250,195
TOTALS		8,117	3,695,128

*Calculated from: Status of Projects for Fiscal Year 1966 under Section 6, Title I of P.L. 874 of November 1, 1965, Unpublished document in files of Office of Education.

The foregoing two tables indicate that the total population in the Marine Corps dependents'school system is continuing to increase. It is now more than eight thousand, while the total operating cost is approaching four million dollars a year. Of course, the total cost increase is not due solely to the increase

in average daily attendance. Total cost is a function of average daily cost and per pupil cost. While the average daily attendance has been increasing, so, too, has the per pupil cost, as is indicated in the following table:

Table 4*

Fiscal Year 1965 and 1966 Per Pupil Cost

Installation	1964-65	1965-66
Camp Lejeune	379	445
Parris Island	359	400
Beaufort	278	320
Quantico	496	554
AVERAGE	396	455

*Calculated from: Previous two tables. This table is the mathematical result of computation.

The increasing cost and student population warrant attention. Further consideration of this growing school system will emphasize the area of its organization, operation and budgeting.

ORGANIZATION

Under the law and the organizational structure which are now and have been in effect for several years, there are two lines of authority which extend downward to Marine Corps Dependents' Schools. One line is down through the operating agency, the Department of the Navy, and the other line is through the United States Office of the Commissioner of Education. Because of its uniqueness and the continual interplay that occurs, it is well to examine this bureaucratic structure more closely.

Public Law 874 specifies several points which assist in the determination of the existent organizational hierarchy. The U. S. Commissioner of Education is responsible for the administration of the Act according to Section 301(a). He is

authorized by Section 302(a) to delegate any of his functions under this act except the authority to make regulations. The top official in the hierarchy is the Commissioner of Education or the officer so appointed by him. He controls the money and reports directly to Congress, not to the Secretary of Health, Education and Welfare, in the annual report required by Section 7(c).

Despite the foregoing structure, it was not intended by Congress that the Commissioner operate the Federal school system. In fact, it is specifically prohibited by Section 6(f):

> In the administration of this section, the Commissioner shall not exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system. (P.L. 874, 6(f))

While the Commissioner financially supports, authorizes and approves of the school, the dependents' school systems at Quantico, Parris Island, Beaufort and Camp Lejeune are operated by the Department of the Navy.

The Commissioner has delegated his authority over schools that are covered by Section 6 to the Assistant Chief of the Division of School Assistance in Federally Affected Areas. His presence is projected on the immediate area through his field representative. The field representative maintains personal contact with the schools in the Command and secures the data and information required by the Commissioner. It is upon the Division of School Assistance that the Commissioner depends for making decisions regarding the budget, school facilities, attendance eligibility, as well as for maintaining contact with state and local educational agencies. In keeping with the prior quoted Section 6(f), he does not enter into the operational problems or decisions of the Marine Corps system.

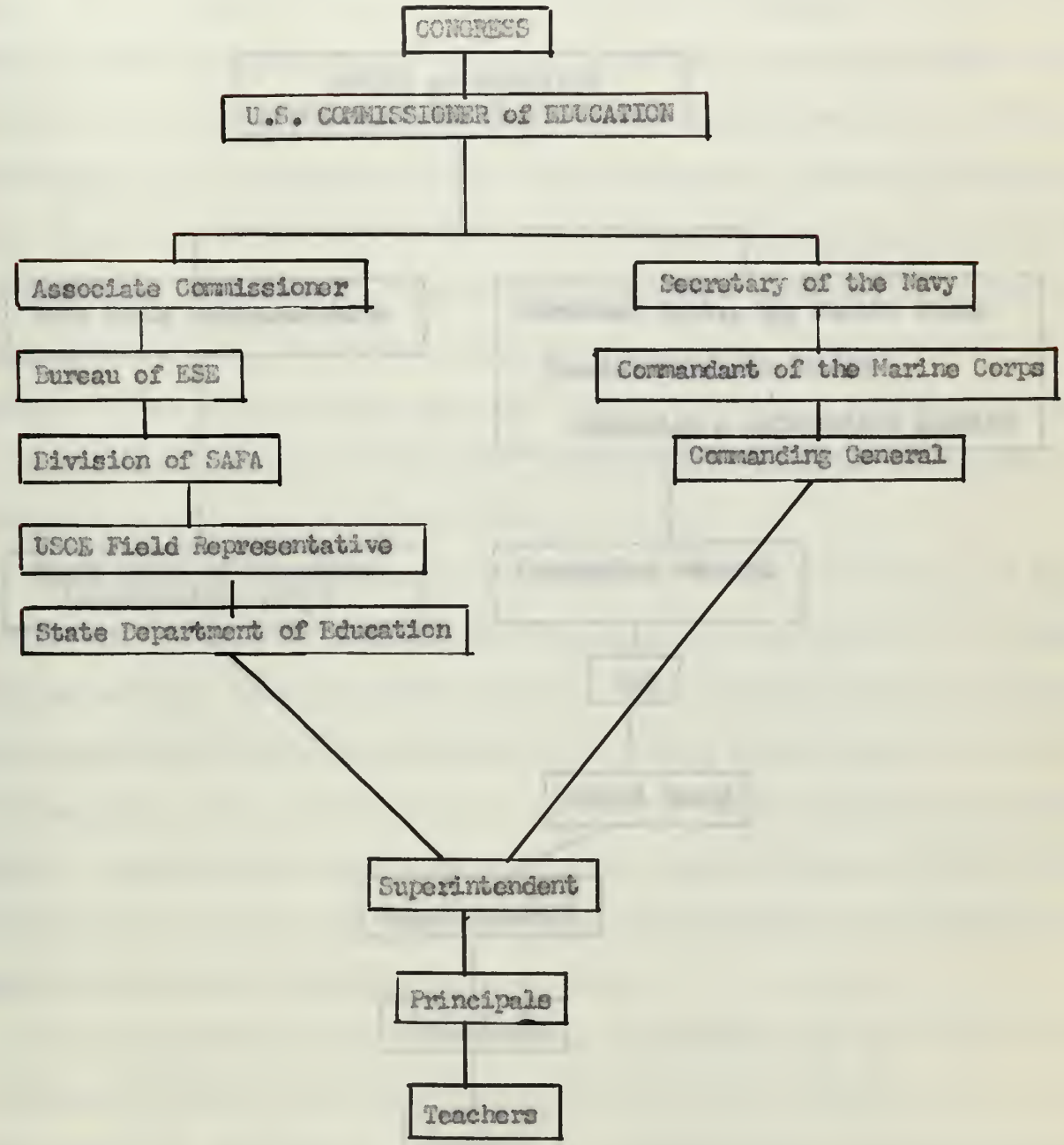
The state educational office has interplay in the operation of the system which varies from state to state. However, as will be shown, that office does receive a copy of any planned construction or major improvements, that is,

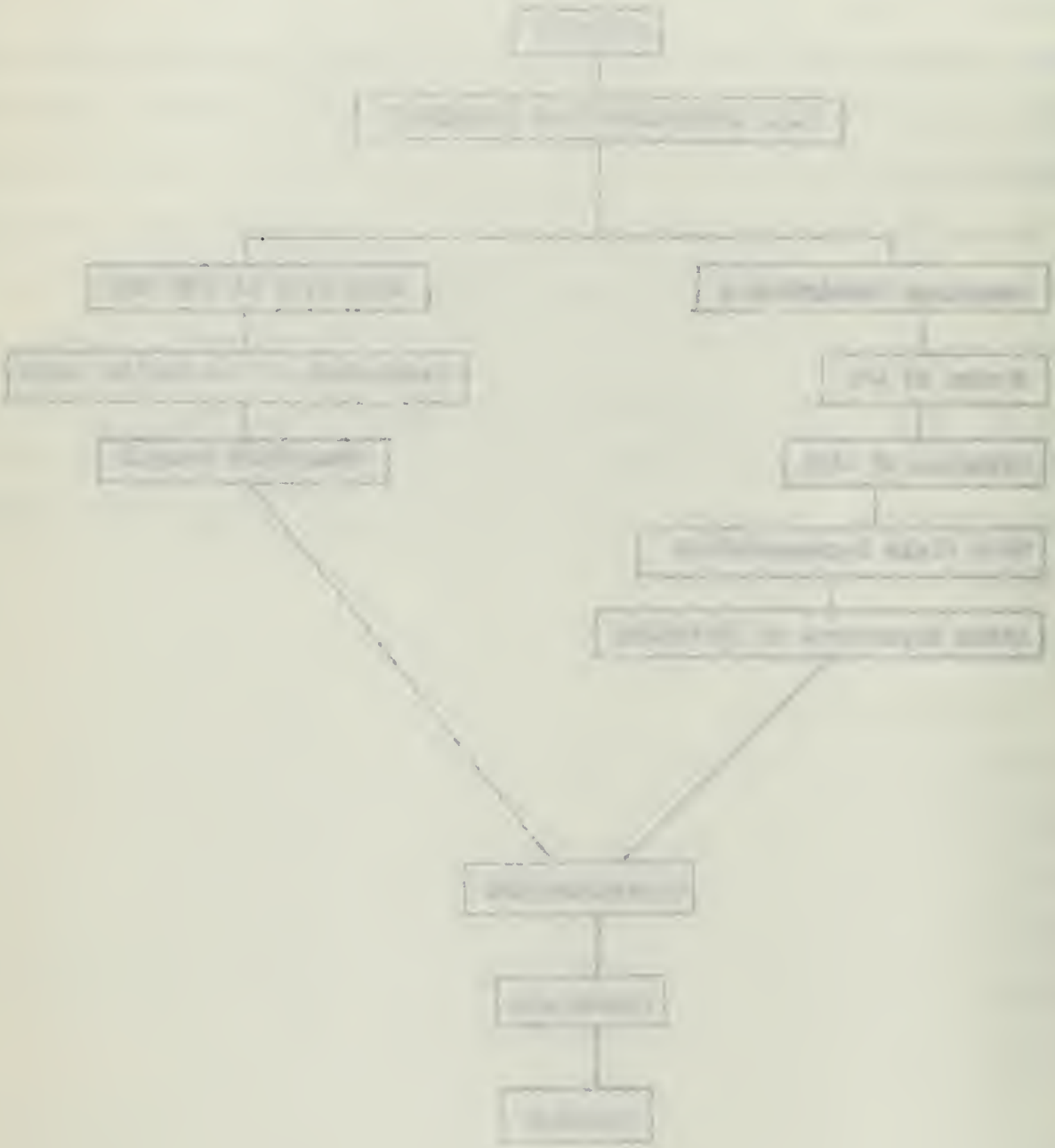
improvements over $1,500.

As previously mentioned, the top operating officer is the Secretary of the Navy. He has, in this instance, delegated the responsibility to the Commandant of the Marine Corps. The Commandant has the assistance of an Education and Information Officer. Operational responsibilities for the schools at Camp Lejeune, Parris Island, Beaufort and Quantico have been delegated to the commanding officers at each of the installations. These operating responsibilities include the administration of the schools, hiring the necessary personnel to staff them, proper maintenance of the buildings and equipment, establishment of the curriculum, and the preparation of the budget, the payment of obligations incurred, and the request for reimbursement from Health, Education and Welfare funds so paid.

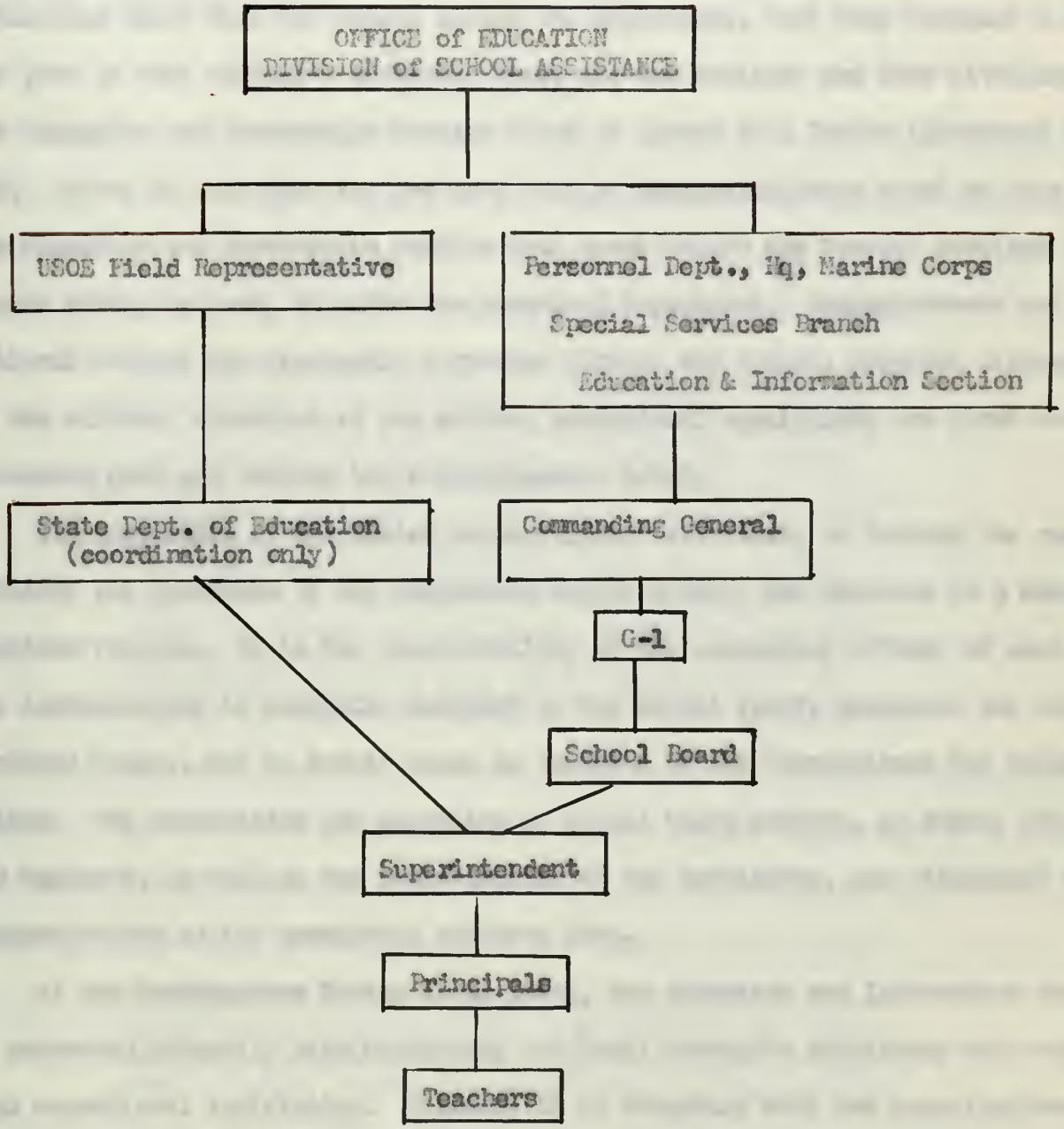
The Marine Corps dependents' school is decentralized. It should be borne in mind that the system on the military side was merely an appendage added to an existing structure. The following charts delineate the legal and working responsibilities in the system.

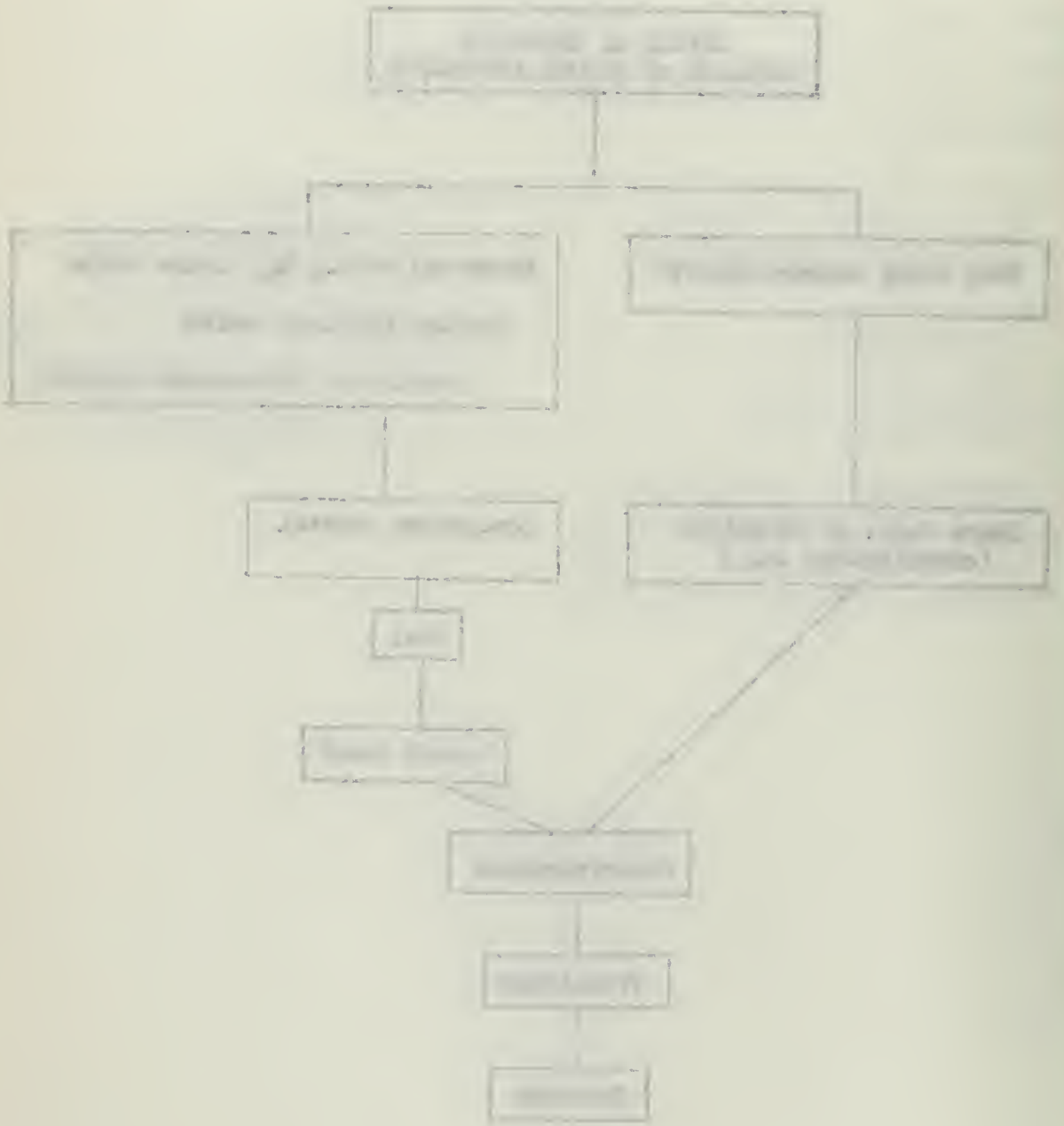
LEGAL RESPONSIBILITY
MARINE CORPS DEPENDENTS' SCHOOL SYSTEM





WORKING RESPONSIBILITIES
MARINE CORPS DEPENDENTS' SCHOOL SYSTEM





The Marines in each of the foregoing charts function in an area which attempts to provide a service for their personnel's dependents. Operation of the dependents' school system is not, however, a primary concern of the Marine officers involved. It approaches this most closely perhaps at the Headquarters Marine Corps level. While the Head of the Education and Information Section has many responsibilities other than the school system for dependents, that duty occupies a major part of that officer's efforts. There are two officers and four civilians in the Education and Information Section which is headed by a Marine Lieutenant Colonel. As may be seen from the previous Working Responsibilities chart on page 38, the Education and Information Section Head comes within the Special Services Branch which, in turn, is under the Personnel Department. Correspondence and educational matters are frequently channeled through the Special Services Officer. In the military operation of the system, educational specialists are first encountered when one reaches the superintendent level.

The adaptation of the Marine Corps military structure, to include the responsibility for operation of the dependents' school system, has resulted in a decentralized program. It is the responsibility of the commanding officer of each of the installations to determine salaries of the school staff, determine the annual required budget, and to submit these as requests to the Commissioner for implementation. The composition and selection of school board members, of school officials and teachers, as well as the determination of the curriculum, are ultimately the responsibility of the commanding officers also.

At the Headquarters Marine Corps level, the Education and Information Section is concerned primarily with monitoring the local command's compliance with the Federal educational legislation. Further, it is concerned with the installations' relations with the U. S. Office of Education and the Defense Department. A major emphasis is laid in the operational finance area.

POSTS of the CORPS

To develop a better understanding of the dependents' school system, each post of the Corps that has such a system will be scrutinized in further detail. School systems for dependents have been established at Camp Lejeune, Parris Island, Beaufort and Quantico.

Camp Lejeune

Camp Lejeune is located in Onslow County, North Carolina. It is comprised of 111,155 acres or 173.68 square miles. One fourth of the land is under water which has given rise to the popular nickname "Swamp Lejeune". The base was approved on February 15, 1941 by the House Naval Affairs Committee.

> Previous to the advent of the Marines, few people were acquainted with this section of the state. A limited number of tobacco farmers, stock raisers, hunters and fishermen were its inhabitants... Prominent leaders throughout the state, recognizing the value of a large construction project in that section, cooperated with the government in securing the land.
>
> That part of the state had never known so much wealth and the construction of Camp Lejeune was the first big defense contract to be awarded in the South. Natives were earning the highest salaries of their lives with promise of even higher earnings when the camp was completed and manned by thousands of Marines.[4]

Today, the dependents' school system on the base is the second largest in the county. There are seven individual schools, 128 regular classrooms, 42 special and auxiliary rooms, 159 classroom teachers, 30 special teachers and 11 administrators. The reasons for its existence are stated in the following paragraph:

> I recommend that the necessary facilities at the above installation be provided for under section 204, Public Law 815. The General Statutes of North Carolina prohibit a County Board of Education from building school

---

[4]Sergeant Harry Poleto, "Posts of the Corps: Camp Lejeune," The Leatherneck, XXXI, No. 9 (September, 1948), pp. 26-31.

> facilities on land to which it does not hold title. The State Board of Education will not financially support schools which are located on Federal installations.[5]

The Marine Corps selected the Onslow County site because of its suitability for amphibious warfare training, not because of its proximity to good liberty. Lejeune is the home of the Second Marine Division and the bulk of the personnel living on the base are members of that division. However, these are not positive selling features when attempting to attract teachers into the system. Wilmington, North Carolina, which is fifty miles away, is the nearest city of any size. It has a population of 125,000. This further complicates efforts to attract and retain competent personnel as teachers. Those dependents who qualify for, and are hired as, teachers further compound the teacher turnover problem.

Parris Island

Parris Island is one of the Marine Corps' two "boot" camps, the other being at San Diego. Parris Island has as its mission the initial training of men who have just come into the Marine Corps. A travel office advertisement would probably say "the base is admirably situated, cut off from the distractions of civilization by Beaufort River, Broad River and Archer's Creek." Located in South Carolina, the base has belonged to the Marine Corps since 1915.

The school system includes grades one through eight and is the smallest one operated by the Corps. Prior to 1939, the post school at Parris Island was operated on non-appropriated funds through tuition payments on a pro-rated basis. From July, 1939 until June, 1951, the system was operated from general expenses of the Marine Corps. After June, 1951, it came under Public Law 874.

While fluctuations in the size of the Corps would affect the number of "boots" who are trained at Parris Island, it would not greatly affect the number of

---

[5]Letter from John L. Cameron, Director, Division of Schoolhouse Planning and Surveys, to the U.S. Commissioner of Education, January 24, 1951.

permanent personnel assigned to operate the base. Since married personnel with dependent children would only be found among that group and not among the trainees, there is not usually much fluctuation in the number of students attending the school.

The problem of obtaining and retaining certified teachers is a serious one.[6] Mid-year transfers of the Marines whose wives teach, create a replacement difficulty since the wife will accompany her husband upon his departure.

The remoteness of Parris Island is an advantage in "de-civilianizing" the young Marine, but it is a drawback in recruiting teachers for the school system. Enrollment in the post school was 65 in 1940, 381 in 1959, and 266 in 1963. These figures should not be considered contradictory to the former-claimed stability of size. Extreme factors must be taken into account: in 1940, the size of the Marine Corps was 25,000 while it was ten times that size in 1959. The reduction in 1963 was due to the reassignment of housing to some personnel with the resultant transfer out of the school.

Physically, the school plant consists of four small buildings. It employs eleven persons, ten as teachers, and a principal. The curriculum is basically the same as in the schools used for comparability and, insofar as available funds permit. The initial reason for the establishment was provided in a letter from the United States Office of Education field representative:

> Under existing State Law, neither local nor state funds can be expended for construction of a school on Parris Island Depot. Note that such facilities must be operated on a racially integrated basis, whereas integration is contrary to State laws.[7]

---

[6]Minutes of the Dependents' School Conference, June 18, 19, 1964.

[7]Letter from Edward W. Paulette, Office of Education, Associate Field Representative, Atlanta, Georgia to Dr. A. L. Harris, Director, Field Operations Branch, March 19, 1951.

Beaufort

The Marine Corps Air Station, Beaufort, South Carolina is ten miles north of Parris Island. It was commissioned a Marine Corps Auxiliary Air Station in 1956. In 1961, it acquired its first elementary school building from Beaufort County School District. Consequently, it is the most recent of the Corps' dependents school systems. Its establishment was a necessity since:

> Under the laws of South Carolina, it is illegal to construct school facilities on Federal Property and it is also illegal to operate a school on Federal Property.[8]

The second school, a Public Law 815 project, was completed in the summer of 1962. Initially, the average daily attendance was 809, today that figure has been raised to 1,193 and includes children from the first to the sixth grades.

Beaufort is one-hundred miles from the state capital and the nearest college or university. Because of its remoteness, it too has a problem in attracting and retaining fully qualified teachers for the elementary school. Twenty-five percent of the teachers on board have certificate problems.[9] The distance from a college or university makes it very difficult to obtain courses necessary for certification. Many dependent wives have had to be hired whether or not they were fully qualified. Several other problem areas plague the operation of this system: South Carolina currently refuses to accredit non-public schools and the professional teachers' organizations are segregated.

Quantico

The last dependents' school system to be examined is located at Marine Corps

---

[8]Letter from P. H. Bomar, Director of Finance, Department of Education, Columbia, South Carolina to U.S. Commissioner of Education, October 4, 1961.

[9]Minutes from Dependents' School Conference, 1964.

Schools, Quantico, Virginia. It is about 40 miles south of Washington, D. C. and astride Route #1. The new base was opened May 17, 1917 in Prince William County and has over 50,000 acres or an area of 91 square miles. Its total population is about 17,000 of which 10,000 are dependents. In 1937, there were 271 children on the post. The State of Virginia provided no facilities for the education of these children.

> Consequently, the personnel of the post, through necessity, maintain a post school at the expense of the individuals concerned. The school comprises grades from kindergarten through the tenth grade... Monthly tuition charges are made for each pupil. The U. S. Marine Corps provides transportation... While the State law clearly requires Prince William County to provide free education for the children residing on this post, that county has consistently held that it did not have the facilities to care for such a large number of children, nor the funds to provide the education... There appears to be no hope of having either the State or county provide adequate facilities for the schooling of these children, or even stand an equitable proportion of the expense.[10]

> ... the State of Virginia was willing and anxious to do whatever it could under its constitution and State law to serve these (military) installations. Virginia law forbids the use of state and county funds for construction on anything but state or county land. It also makes public education free to children residing on such installations.[11]

Quantico is the primary site for Marine officer military schooling. It is officially known as Marine Corps Schools. Because of its unique mission within the Corps, it differs markedly from Beaufort, Parris Island and Camp Lejeune. At the latter installations, the Marines assigned will spend two to three years. Not so at Quantico. There, there are four resident schools: Staff and Command College, Amphibious Warfare School, Communications School, and Basic School. The

---

[10] Blauch and Iversen, P. 44.

[11] Memo from Cameron M. Ross to Doctor A. L. Harris, Subject: Meeting on the Quantico Marine Base School, April 13, 1951.

courses taught in these schools require less than one year in attendance. With the added personnel requirements generated by Marine participation in the fighting in South Vietnam, the course lengths have been reduced even further. Its effect has been felt by the dependents school system.

The Marine Corps dependents' school system at Quantico has three elementary schools and a Junior-Senior high school. The commanding officer, in this particular instance his title is Commandant Marine Corps Schools, is responsible for the operation of the system. To assist him in the discharge of this responsibility, he has appointed a school board. This board includes a minimum of ten members. They are: Chairman, President of the Parent-Teachers Association, Superintendent of Dependents Schools' (Ex-officio and non-voting), Assistant Chief of Staff, G-1 representative, Assistant Chief of Staff, Comptroller representative, Maintenance Department representative, Medical Officer, one commissioned officer and two non-commissioned officers. The school board is the link between the Commandant, Marine Corps Schools and the Superintendent of Dependents'Schools, and makes regular reports to the Commandant, Marine Corps Schools, concerning the operation and administration of the school system. Responsibility for employing able and qualified individuals to administer the schools belongs to the board, as well as for establishing policies for the administration of all funds used in the operation of the system. Further, the board is authorized to take disciplinary action on cases referred to it by the Superintendent.

Standing committees are established to insure consideration of contemplated actions. The Curriculum and Instruction Committee is responsible for reviewing and making recommendations concerning the curricula for the elementary and high schools as well as evaluating and recommending evaluation standards to be applied to students' performance and teaching methods. A Personnel Committee reviews and makes recommendations concerning salary scales, prepares occupation descriptions

and reviews and recommends personnel, policies and problems in addition to evaluating policies governing the department of students.

The operating budget, which is prepared by the Superintendent, is reviewed by the Finance Committee which also audits all expenditures and obligations and makes recommendations in the area of school finances.

Inventory of school property and the progressive development for the construction, conversion or enlargement of the Dependents' School System is the responsibility of the School Facilities and Maintenance Committee. The operation of the cafeteria and approval of extra-curricula activities falls within the purview of the Cafeteria and Extra-Curricula Activities Committee.[12]

The board meets monthly and as needed. The Superintendent is able to bring matters of interest to the board and also to be responsive to the desires of the board. These board members are men interested in the duties involved and individuals who are functioning in highly responsible positions on the base. The general staff is represented as well as other key areas. Such a close knit organization insures response to problem areas when they develop. Expertise, as well as influence, is present.

When there is need for a school superintendent, the board recommends an individual to be hired to the Commandant, Marine Corps Schools. The Superintendent recommends the hiring of principals and teachers to the board. All of the teachers employed come under what is called an "excepted" classification of Civil Service.

Under an excepted appointment plan, regular appointments are used, but the Superintendent is able to choose whom he wants for the job. He does not have to take one of the top three from the register as is required under the classified system.

---

[12]"School Board Policy Manual, Quantico Dependents School System," Marine Corps Schools Order P 1755.5A of 23 July 1964.

Salary schedules are reviewed each year; they are determined by comparing the teacher being considered with the salary paid teachers in the "comparable" school districts. The salaries, therefore, tend to be competitive with others offered teachers in the locale. By law, the "comparable" school districts must include the county in which the military system is located, the state capital, and three other districts. Quantico's comparable school districts are Prince William County, Richmond (both required), Falls Church, Arlington and Alexandria.

While teacher turnover is high, about 24%, it is considered by the Superintendent to be below the serious stage. A study in 1962 indicated that turnover in the East, in schools of comparable size to Quantico, about 2,000 students, was less than 10%.[13]

All of the teachers at Quantico have Virginia State certifications. Because of the annual turnover of teachers, an extensive recruiting effort is initiated by the Superintendent each year. Those teachers who reside on the base are entitled to all of the base privileges available to a Marine, including the Commissary and the Post Exchange.

The dependents' school system at Quantico must be responsive to queries and directives generated by many layers of authority: the school board, Comptroller, G-1, the Transportation Officer, Commandant of the Marine Corps (primarily through his Education and Information Officer), State Education Office, U. S. Office of Education, as well as several others. Despite all of the echelons, the system appears successful in its mission. Approximately 80% of the high school graduates attend college. This figure compares favorably with the national average which reflected that in the fall of 1964, about 46% of that year's high school

---

[13]Joseph A. Kershaw and Roland N. McKean, Teacher Shortages and Salary Schedules, (N. Y.: McGraw-Hill Book Co., Inc., 1962), pp. 185-186.

graduating class enrolled in schools for higher education.[14] However, its significance is difficult to determine, since each Marine dependent child will attend several elementary schools and usually at least two high schools which may be in various states.

Records available indicate Quantico's steady growth over the years in practically all areas: teachers, per pupil cost, average daily attendance, and total cost.

Table 5*

Quantico's Dependents' School System

Year	No. of Teachers	PPC	ADA	Total Cost
1959	48	356.60	1,030	367,293
1960	61	432.20	1,183	511,530
1961	58	497.05	1,136	564,956
1962	62½	492.04	1,293	636,153
1963	84	465.56	1,836	878,519
1964	93	495.53	2,054	1,017,833
1965	94	561.16	2,061	1,156,546
1966(proposed)	92	554.41	2,129	1,250,194

*Calculated from: Annual Miscellaneous Reports Over 8 Years Maintained in the Office of the Superintendent of Dependents' Schools, Quantico.

Not unlike the other installations, Quantico, too, has some problem areas in the operation of its school system. Turnover of teachers once again is of concern. Twenty-four percent appears too high.

Of serious concern at Quantico is the turnover of pupils and the problems that result from it. Normally, a Marine's tour at a particular duty station is about three years, at which time he is transferred elsewhere. As a consequence, a dependent usually spends three years in a post school. However, since the officer attending Quantico for schooling is now spending less than a year there, it

---

[14] Information Please Almanac, Atlas and Yearbook 1966, Planned and Supervised by Dan Golenpail Associates, (N. Y.: Simon and Schuster, 1966), pp. 327-328.

means his dependents leave prior to the expiration of the dependents school year. Because of the limited housing available at Quantico for personnel, those Marines with orders to depart, usually leave the base before those ordered in report aboard. This may leave the dependents' housing vacant anywhere from several days to several weeks. Since only those who live on Quantico may attend the on-post school, the average daily attendance is reduced during the end of one Marine Corps School's course and the start of another.

For a thorough examination of the question, it is essential to return momentarily to the question of per pupil cost. This cost is determined by the aggregate of per pupil costs of the five "comparable" school districts during the year prior to the one in which the budget is being prepared, and two years prior to the year in which the budget is to be implemented. Per pupil cost is increased or decreased by the United States Office of Education based on knowledge of local requirements. The per pupil cost, multiplied by the estimated average daily attendance, gives the total operating cost. Any significant reduction in ADA should be reflected in a resultant decreased total cost. Headquarters Marine Corps has determined that a significant reduction is one in excess of 5%. In such a circstance, the installation is expected in its next quarterly report to indicate plans for reducing the total cost accordingly. It is contended that the majority of costs are fixed when the school year commences. As the year progresses, there is less and less of the possibility of effecting cost savings, because of the fixed costs and the already incurred expenses leave relatively little to be saved.

The comparable school districts are larger than the dependents' school system. Since a high percentage of the operational cost is fixed, the fact that more students are in attendance reduces the per pupil cost. Therefore, the concept of comparability is most difficult to achieve. When the dependents school system per pupil cost is based on such a standard, it is at a financial disadvantage. A

small school that attempts to have college preparatory enrichment, vocational and general academic courses pays a high cost because of the low pupil-teacher ratio. According to the standard established by Doctor Conant,[15] Quantico High School is small. In 1964-1965, the following uneconomically small classes existed:

Table 6*

Some Courses Taught at Quantico High School in 1964-1965 with the Number of Students in Each

Subject	No. of Students
French III	5
French IV	3
Spanish III & Iv(combined)	5
Latin IV(given on alternate years with Latin III	5
Advanced Math	9
Advanced Biology	8
Typing II	8
Home Economics I	9
Home Economics II	12
Developmental Reading	9

*Calculated from: James W. Keene, "Quantico High School Considered as a Small High School" (an unpublished paper, Education II, Extension Division, University of Virginia, Quantico, Virginia, January 14, 1965).

Another problem has been that some students are not prepared to undertake the work required. To alleviate the difficulty, a summer school session is conducted to provide a sounder basis for children initially attending the school system. Since the preponderance of married Marines in the States are stationed at one of eight installations, their children are either schooled in North Carolina, South Carolina, California or Virginia. In moving from one area to the other, they are subjected to different standards and different curricula. However, tours are not limited to eight installations in four states. A Marine with his family may be assigned to any one of the fifty states as well as overseas. Since a

---

[15]James Bryant Conant, The American High School Today (N. Y.: McGraw-Hill Book Company, 1959), p. 37.

normal stateside tour at one location is anywhere from two to three years, it is obvious that the children of Marines will be exposed to several different school systems. They are subjected to different standards and graduation requirements. School accreditation requirements vary from state to state. The child who accompanies his Marine father from duty station to duty station may discover that, whereas he was doing well at the previous location, he is lacking required subjects in the new school. Of course, not all Marine transfers are effected during the summer or non-school periods. Consequently, the dependent may miss needed schooling during his parents' transfer. The initial period of adjustment to a new environment may cause even a good student to fall behind in his studies.

GENERAL PROBLEMS

Although some of the foregoing problems were gleaned from a study of the Quantico system, it is obvious that many of the problems are common to all. Mid-year transfers have an adverse effect on average daily attendance. Where the wife of the transferred Marine is a teacher, a serious replacement problem is incurred. When per pupil cost is based on comparable school districts, the dependents school system receives less than its own per pupil cost. This results since fixed costs are comparable, but the dependents' school system has fewer pupils to use in determining the per pupil cost. Other problems include the difficulty of adjustment encountered by incoming students who have been exposed to varying curricula and also the difficulty of obtaining qualified teachers.

CHAPTER V

PROCEDURES AND DIRECTIVES

Marine Corps Order P7300.8, Financial Accounting Manual, as well as Public Laws 874 and 815, provides the information necessary to conduct the fiscal operation of the dependents' school system. Early in February of each year, the U. S. Office of Education sends a letter to each Marine Corps installation commander who is responsible for operating a dependents' school system notifying him of the estimated per pupil cost percentage increase or decrease for the future year in the state in which the installation is located. This percentage of increase or decrease information is essential, since the per pupil cost of comparable school districts that would be available to the base would be the last completed fiscal year. Consequently, it would be two years out of phase for implementation without the percentage information to update it. Since operational costs have increased each year, to have a budget approved which was based on information two years old, would mean insufficient funds would be received. The estimated per pupil cost percentage increase attempts to update the available data from comparable school districts so that "today's" costs of operation will be used in computing the annual budget.

The commanding officer is required to complete the budget in accord with U. S. Office of Education Bulletin 12 (Revised) of January 1, 1965 (Appendix VI). He sends the budget via the Commandant of the Marine Corps to the Commissioner prior to March 15. The Commandant's representative forwards the budget of each installation individually with a covering letter. Upon receipt, notification is

sent to the Commandant via the Secretary of the Navy. When the budget is approved, the U. S. Office of Education notifies the Commandant again, via the Secretary of the Navy, that the proposal and cost estimate submitted by an individual has been authorized on the basis of approved per pupil cost of _____ multiplied by an approved average daily attendance of _____, in the total amount of _____.

A quarterly report is submitted by the commander of the installation to the Commissioner reflecting the Average Daily Attendance during the previous quarter (Appendix VII). Based upon instructions from Headquarters Marine Corps, anytime there is a variance from the estimated Average Daily Attendance of 5% or greater, a detailed explanation will be given. Since expenditures may not be made to exceed the total amount of the approved budget, as soon as a substantial loss in the Average Daily Attendance can be determined, immediate steps will be taken to institute as much savings as possible.

Expenses incurred during the quarter are paid out of Marine Corps operation funds at each installation, account 99-1, which is an unfunded allotment. Upon completion of the quarter, a Standard Form 1080 voucher is submitted by the command to Commandant of the Marine Corps requesting reimbursement. This is sent to the U. S. Office of Education, Department of Health, Education and Welfare, with the following statement included: "The amounts shown on the voucher are in accordance with the certified summary invoices attached thereto and represent expenditures from Navy appropriations for operation of the Dependent Childrens School during Fiscal Year ____." Reimbursement is made to the Commandant who then forwards the funds to the command involved. Upon completion of the Fiscal Year, a final report is sent to the Commissioner via the Commandant. This report (Appendix VIII) covers the entire year and includes all expenses under Section 6.

The requests for funds under Section 10, Title I of Public Law 815, as amended, follow another course. They are covered in quite some detail in Appendix IX

and illustrate echelons of responsibility. In general, proposal for a new school building or an addition to an existing school building, under Section 10, is accomplished as follows:

1. The need for such a structure is determined by the school board and the school officials.
2. A written proposal for the structure is staffed at the installation headquarters seeking comments and recommendations.
3. Approval of the commanding officer is obtained.
4. The request and proposal is sent to the Commissioner via the state educational agency for review.
5. The state sends a copy to the appropriate field representative.
6. The state forwards the request to the Commissioner with any comments deemed appropriate.
7. The field representative forwards appropriate information to the Commissioner relative to the proposal.

When the commanding officer initiates the preceding chain of events, he also sends the request to the Commandant of the Marine Corps, at which level it is further staffed. The Commandant then forwards the request to the Commissioner with a recommendation.

A request is supposed to be initiated when it is determined in a fiscal year that a need will exist by the end of the following fiscal year. Under ideal conditions for prognostication and maximum lead time, two years could be available from conception to construction.

When school facilities are built on a Marine base under Section 10, they are accepted by the field representative on behalf of the Commissioner of Education and approved by him from an educational point of view. They are then turned over to the Marine Corps for operation and maintenance.

Requests for money under Public Law 815 are scrutinized, weighed and evaluated. The Marine Corps has had occasion in the past to be refused money under this law, usually on the basis of comparability:

> Public Law 815, as amended, requires us to limit the use of Federal funds to the construction of minimum school facilities. This term has been defined as those facilities which a local educational agency would normally provide under the same number of children in the same grades. In terms of common practice in the State, the construction of a multi-purpose room with shower-locker facilities for the fifty-four children in grades 7 and 8 in the Parris Island School cannot be justified as minimum school facilities. For this reason, we cannot approve the construction of such facilities on the Marine Corps Recruit Depot, Parris Island.[1]

More recently, Quantico's request for construction funds was denied:

> Your request for four (4) additional classrooms at the Quantico High School has been disapproved.
>
> The request dated May 6, 1965 was based upon the erection of additional on-base military housing and resulting enrollment increases. Developments occurring since your request have postponed the construction of these housing units indefinitely.[2]

An area of finance that has created discussion and concern in the past has been the support of high school athletic programs. Comparability again rears its head.

> ...the use of appropriated funds to totally finance athletic programs may be a departure from comparable district practices and should receive careful consideration from every aspect of the program before making such expenditures. Because of this practice, it definitely appears that meals, lodging

---

[1]Letter from Mr Alden Lillywhite, Acting Director, School Assistance in Federally Affected Areas, Office of U. S. Commissioner of Education, March 16, 1964 to Major General R. L. Murray, Commanding General, Parris Island, South Carolina.

[2]Letter from Mr Alden Lillywhite, Director School Assistance in Federally Affected Areas, to Commandant, Marine Corps Schools, November 15, 1965.

and the cost of officials, should not be paid from appropriated funds.[3]

However, since the Secretary of the Navy does not permit admission fees for athletic contests aboard naval installations, the Marine Corps is deprived of this source of funds. Quantico has provided their own solution to this impasse and apparently has resolved the problem. Non-appropriated funds raised by the local PTA and a high school activity fee of $3.00 per student provide needed support in areas that may not be comparable with "comparable" districts.

Since the dependents' school system is operated bureaucratically, one might expect an abundance of regulations that would guide and constrain it. Only a few of these will be considered, and those because of their importance. Of significance is the subject of hiring of teachers for the system.

The provisions of Chapter 14 of Marine Corps Order P12000.7, Industrial Relations Manual, encompass the matter of teacher employment (Appendix X). In order that the education received by children under Section 6 of Public Law 874 be comparable to that received in public schools in comparable communities, teachers may be hired without subjection to the classification law, which necessitates that one name be chosen from among the first three that appear on an established register. If none of the three were highly qualified, it would still be necessary to select one of them if the school system were subject to the classification law. The number of teachers to be employed in a given year is determined by the school board, the commanding general, the budget and the U. S. Office of Education.

School authorities are responsible for the recruiting of teachers. These authorities are assisted by the Industrial Relations Office. If desired, teachers may be hired excepted from the Classification Act. This obviates the necessity of

---

[3]Letter from Mr Alden Lillywhite, Acting Director, School Assistance in Federally Affected Areas, to Lieutenant Colonel Hazel E. Benn, Head Education and Information Section, Personnel Department, Headquarters Marine Corps, July 29, 1964.

hiring one from among the first three names that appear on the Civil Service register.

Quantico uses the "excepted" method entirely while Camp Lejeune uses the classified system. Beaufort and Parris Island have teachers that come under both provisions. Beaufort, Parris Island and Camp Lejeune have all indicated their interest in switching to the "excepted" method.[4]

Salaries are established by the commanding officer. He is assisted in this area by the local school board and the Industrial Relations Office. Such salaries may be based upon the General Schedule of Civil Service or upon salaries paid in the "comparable" school districts. This latter provision makes the Marine Corps school system more competitive and enhances the desirability of employment.

There remains one area for serious consideration -- civil rights.

> ...the decision in 1955 by the Secretary of Defense that no segregated schools could be operated on defense installations was a matter of considerable influence. At military bases in the South, the decision has been considered responsible for difficulties which have ensued in some cases for more than eight years.[5]

This is still a source of concern to the Navy Department. In areas where integration efforts in the schools were not in compliance with the Civil Rights Act, Department of Health, Education and Welfare funds have been held back. Such an incident occurred in the Beaufort school district.

Title VI of the Civil Rights Act spells out minimum desegregation standards for schools. The minimum is established at four grades a year to be integrated. Within this law, however, students have the option of "free choice", the option to

---

[4]Dependents' School Conference, June 1964.

[5]Robert P. King, Bureaucratic Administration and Teacher Freedom (unpublished Doctor of Education dissertation, Dept. of Education, Indiana Univ., p. 39.)

switch to the school of their choice. The supposition was that "free choice" would permit negro children to switch to "white schools." It is contended by some that the option has, in fact, been meaningless; parents either were not told of the existence of the option of choice or they were coerced from exercising the "free" part of choice. According to the Office of the Commissioner, since the passage of the Civil Rights Act in 1964, eight schools have been opened on military bases: Maxwell Air Force Base, Alabama; Fort McClellan (Army), Alabama; Fort Stewart (Army), Georgia; Robins Air Force Base, Georgia; England Air Force Base, Louisiana; and Myrtle Beach Air Force Base, South Carolina. Such openings may be attributed to the local communities' non-compliance with the civil rights legislation.

Application forms for both Public Laws 874 and 815 for fiscal year 1966 included space so that the applying school district could certify assurance of compliance with Title VI of the Civil Rights Act of 1964. In fact, prior to the start of the school year in 1965, the Office of Education already had on file for every applicant district its status as to desegregation and whether it was accepted by the Commissioner. Based on this assurance, the Office of Education authorizes the payment of Public Law 874 and 815 funds.

Public Laws 874 and 815 have become weapons in the hands of the administration to encourage compliance.

> The legislative popularity of the two laws is so great that they appear to have become foundation elements in our system of public school finance... They may have influenced somewhat the willingness of state and local government officials to reconsider traditional denials of elementary civil rights and privileges to some residents of government-owned property.[6]

---

[6]I. M. Labovitz, Aid for Federally Affected Public Schools (Syracuse, N. Y.: Syracuse University Press, 1963), p. IX.

CHAPTER VI

SUMMARY AND CONCLUSIONS

In this study, the problem of the organization and operation of the Marine Corps dependents' school system, and of the need for it, has been considered. Officials at the Office of Education, Headquarters Marine Corps, and the school operational level were interviewed. In addition, official files and records at the aforementioned levels were examined. Last, but not least, public records and historical and educational writings were read and evaluated.

There is evidence and justification for participation by the Federal Government in the educational field. However, its record in this area is spotty in respect to military dependents. In fact, until the late 1930's, Congress was apathetic.

> ...the question of responsibility for providing elementary and secondary education for federally connected children may be said to have mounted to national proportions as a repercussion of the governmental adjustments in the depression and then, more emphatically, the larger changes that preceded United States military engagement in the war. As the number of affected school districts multiplied and the number of federally connected children increased, the question acquired fiscal and political connotations that demanded attention from the President and Congress.[1]

The passage of both Public Laws 874 and 815 in 1950, and their subsequent amendments, have provided the fiscal basis for the continued operation of the dependents school system. Public Law 815, Section 10, refers to the construction

---

[1]Ibid., p. 16.

of schools on Federal land for the dependents who live and work on Government property, while Section 6 of Public Law 874 refers to the annual allocation of funds for operation of those schools.

The Marine Corps has a school system for dependents at Camp Lejeune, North Carolina, Beaufort and Parris Island, South Carolina and Quantico, Virginia. While reports and budgets are submitted by each to Headquarters Marine Corps or via Headquarters to U. S. Office of Education, the operation of the system within the Marine Corps is highly decentralized. The curriculum, the selection method and composition of school boards, accreditation and specific hiring practices are the concern of the individual installation commander. The practices vary considerably.

What impact, if any, the Civil Rights Act may have on the dependents'school system is not yet known. However, schools that are not fully integrated by 1967 will be considered as providing education that is not suitable.

Civil Service permits the hiring of teachers on Marine installations on an "excepted" basis. This system provides flexibility to the school Superintendent and permits the hiring of more qualified teachers since the Superintendent does not have to select one of the three on a register.

CONCLUSIONS

The initial requirements for the establishment of a dependents' school system at Camp Lejeune, Beaufort, Parris Island and Quantico still exist. In fact, the necessity has been strengthened by the possibility that children presently attending public schools may have to attend a base school if the community is not complying with Title VI of the Civil Rights Act.

Utilization of the Average Daily Attendance as a factor in computing cost is an acceptable practice, despite the fact that changes in Average Daily Attendance,

due to Marine transfers, may reduce the total cost budget authorized. It is concluded that the present method which requires a report of action taken in such a happening is flexible enough to permit justification if the total cost cannot be reduced to the same extent that the Average Daily Attendance decreases because of incurred fixed costs. If the report were to be approached with the same verve that usually accompanies a request for an increase, little difficulty should be encountered.

The per pupil cost allowed for operating the Marine Corps dependents'school system is based upon comparison with school districts that are much larger. But, the greater part of operational expense, teachers' salaries, is fixed. Consequently, the per pupil cost would be less in outside school districts, since the pupil-teacher ratio is higher. The Marine Corps system has little flexibility in adjusting its program or operations.

Because of the current budget cycle in effect, the per pupil cost employed is based on data that is two years old. An attempt is made to compensate for this time differential by granting a percentage of increase authorization to bring it up to date.

In view of the migratory life of the dependents of Marines, the present decentralized organization of the school system is not as effective as it might be. Curriculum, accreditation and teaching requirements may vary from installation to installation. Students are placed under an added burden by this system. In fact, it is not a system but several systems and a child may be exposed to all of them, plus others. It makes a continual meaningful education more difficult than it has to be.

Obtaining qualified teachers and retaining them is a problem. Mid-year transfers of Marines whose wives teach compound the problem, since it is more difficult to obtain a replacement after the school year starts.

The practice of hiring teachers via an "excepted" category gives the Superintendent hiring control and permits him to set satisfactory standards. With such authority, he can be held responsible for the level of education in that school system.

For purposes of construction, the lead time authorized under Section 10 of Public Law 815 is not deemed adequate. At most, twenty-four months are available from the time when it is first determined that there will not be sufficient facilities for the end of the following fiscal year.

Overall, the Marine Corps dependents' school system is operated effectively and efficiently for the 8,000 children who attend.

RECOMMENDATIONS

The following recommendations are made based on a study of the history, organization and operation of the Marine Corps dependents' school system.

1. The system should be continued until local educational agencies are able to provide suitable free public education.

2. The area of "comparability" and per pupil cost should be re-examined. The size of comparable school districts should be given weight, as also should their receipt of funds other than through a budgetary appropriation.

3. The budget cycle should be made compatible with that of the local districts' so that contemporary cost information would be available and required when "comparable" school district data is used.

4. The dependents' school system should be reorganized and operated centrally at Headquarters Marine Corps. This section should be removed from the Special Services Branch and be headed by a professional educator who would report to the Assistant Chief of Staff, G-1. Increased recognition of the problems involved should be sought at the Headquarters level. Benefits from such a reorganization far outweigh any deficiencies. Standardized curricula on all of the bases,

within state law, would raise the overall educational level. It would facilitate educational liaison with California educators who establish standards for the systems which educate Marine children out West. Benefits resulting from such integrated efforts would reduce educational adjustments for the children as they accompany their parents from base to base and encounter similar subjects taught in the same cycle. The children would become the focal point, not the individual school system.

Implementation of a centralized system might affect other worthwhile results. It would permit close contact with the Personnel Section that transfers Marines. Perhaps Marines whose wives teach could be monitored so that there would be less likelihood of a mid-year transfer. It could be another factor considered in the assignment of tours. The schools might be more willing to utilize qualified Marine wives as teachers if they knew their system was not likely to be disrupted by school year transfers, thereby providing them with greater availability.

Such centralization also would permit greater access to Marine Corps future plans, both as to personnel and real property. It would provide a better basis for determining future school requirements.

APPENDIX I

DEFINITION OF TERMS

Following is a list of terms used in this study:

Children	- those who are within the age limit for which the particular state provides free public education.
Commissioner	- the United States Commissioner of Education, Department of Health, Education and Welfare.
Comparable school districts	- those school districts determined by the Commissioner after consultation with the state educational agency, to be most nearly comparable to the applicant school district in membership, current expenditure, and local contribution rates. The average local contribution rate of five comparable school districts is used to determine the rate of federal payments to applicant school districts under Public Law 874.
Federal activities	- those which are carried on directly or through a contractor of the Federal Government, such as production of goods for defense purposes, services around military installations, or work in government installations.
Federally affected school district	- a local school district which has experienced increases in membership that can be related to some activity of the Federal Government, either directly or through a contractor.

Federal property	- real estate owned or leased by the U. S. Government and that is not subject to local or state taxation.
Financial assistance	- payments made to eligible school districts under the provisions of either Public Law 815 or Public Law 874.
Free public education	- that provided at public expense, under public supervision and direction, in grades kindergarten through twelve.
Local educational agency	- a local board of education or other legally constituted local school authority having administrative control and direction of free public education in a school district.
Minimum school facilities	- instructional and auxiliary rooms and initial equipment exclusive of single purpose gymnasiums, single purpose auditoriums, and any other built-in spectator space, necessary to operate a program of free public education in accordance with the laws and customs of the state.
Parent	- father, mother, legal guardian or any other person standing *in loco parentis*.
State education agency	- State Department of Public Instruction responsible for the state supervision of public elementary and secondary schools.

APPENDIX II

SIGNIFICANT DATES IN THE RELATIONSHIP OF THE FEDERAL GOVERNMENT AND HIGHER EDUCATION

1785 Northwest Ordinance.

1787 Contract with the Ohio Company reserving two townships of land for the support of a university.

1802 Establishment of U. S. Military Academy at West Point.

1819 The Dartmouth College Case.

1830 First Federal "research contract" with the Franklin Institute of Philadelphia.

1845 Establishment of U. S. Naval Academy at Annapolis.

1862 Passage of the Morrill Act.

1867 Creation of the Department of Education.

Smithson's gift to "found...an establishment for the increase and diffusion of knowledge among men."

1874 Award of nautical training grants -- first evidence of the principle of Federal "matching grants."

1879 First Gederal grants to Howard University.

1887 Hatch Act establishing a system of agricultural experiment stations.

1890 Passage of the Second Morrill Act.

1914 Passage of the Smith-Lever Act for agriculture and home economics extension.

1916 Formation of the National Research Council.

1918 Formation of the American Council on Education.

1919 First Surplus Property Disposal made to educational institutions.

1920 First establishment of ROTC units on college campuses.

1931 Hoover's National Advisory Committee on Education report presented.

1935 Creation of the National Youth Administration.

1937 Public Health Service Fellowships inaugurated.

1940 Inauguration of the Engineering, Science and Management War Training Program.

Establishment of the National Defense Research Committee (later Office of Scientific Research and Development).

1944 Passage of the Servicemen's Readjustment Act.

1946 Establishment of the "Fulbright Program."

1946-48 Broadening of Federal Surplus Property Disposal Program.

1948 Truman's President's Commission on Higher Education reports.

Passage of Smith-Mundt Act.

1950 Supreme Court decides the Texas Law School Segregation Case.

Initiation of the College Housing Program.

Creation of the National Science Foundation.

1951 Initiation of ICA 'Contract' Program.

1952 First National Science Foundation Fellowships awarded.

1953 Second 'Hoover Commission' report on education released.

1956 Passage of the Health Research Facilities Act.

1957 Report of Eisenhower's President's Committee on Education Beyond High School.

1958 USSR Cultural Exchange Agreement announced.

Passage of the National Defense Education Act.

1961 Creation of Peace Corps.

Passage of Fulbright-Hayes Act.

Creation of Agency for International Development.[1]

---

[1]Babbidge and Rosenzweig, pp. 20-21.

APPENDIX III

FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON EDUCATION AND LABOR

The findings of the subcommittees were as follows:

1. Activities of the Federal Government have imposed severe financial burdens on a considerable number of school districts.

2. This financial burden results from reduction in local tax revenues for school purposes through acquisition and ownership of land by the Federal Government and from an influx of additional population residing on or near Federal projects.

3. These Federal activities impose such severe financial burdens locally that in many cases the children are deprived of minimum educational opportunities.

4. Most of these school districts find that they are unable by depending on available state and local school funds to cope with costly educational loads imposed on them by Federal activities.

5. These school districts need additional funds on a continuing basis if they are to be expected to provide adequately for their own children plus the Federally-owned school load.

6. In some cases, the need for financial assistance for current operating expenses is temporary, extending for a period of three to ten years; in other cases, it will last as long as the Federal installation is in operation.

7. Many affected school districts find it impossible through existing sources of revenue to provide school plant facilities required for the Federally-incurred school load.

8. Additional classrooms and related facilities made necessary by the Federal impact must be provided without delay.

9. Existing authority given to the several Federal agencies to meet the school problems created by their activities shows a lack of clear-cut Federal policy on this matter. Under these authorizations the temporary and haphazard arrangements for meeting this need are wasteful and prevent efficient planning and operation of local school programs. These also impede the work of the Federal agencies whose employees are affected. The authority given to different agencies is not uniform; there is some duplication; and there are problems not covered by any legislative authority.

10. School problems in some areas of Federal activity will become more critical in the near future as a result of presently authorized military housing programs and expansion of Federal activities in fields such as reclamation and flood control.

11. Of the 1½ million children in these Federally affected areas, some are being deprived of any educational opportunities, and others are not receiving normal educational services because of the impact of Federal activities. Their welfare requires prompt action by the Federal Government.

12. Failure to assure immediate financial assistance to these school districts will impair the educational opportunities of hundreds of thousands of children in these overburdened areas and will adversely affect the work of the Federal agencies involved. Furthermore, such financial assistance made available for current operating expenses cannot be used to the best advantage unless such financial assistance is also made available to provide additional school plant facilities.[1]

Based on these findings, the subcommittees made the following recommendations:

1. The Federal Government has a responsibility to provide financial assistance to school districts overburdened with costly educational loads because of Federal activities.

2. The Federal Government should establish a permanent policy recognizing its responsibilities to provide necessary financial assistance to school districts overburdened by Federal activities, to enable them to provide adequate educational opportunities for their children.

3. This Federal financial assistance should be provided both for current operating expenses and for additional school plant facilities.

4. The plan for providing Federal funds for current operating expenses should be on a continuing basis so that the school districts involved would know from year to year the basis for determining the amount of Federal assistance and accordingly could plan and operate their school programs.

5. The plan for providing Federal funds for school construction must assure that plant facilities urgently needed now to house Federally-incurred school loads and that facilities required because of future Federal impacts be provided without delay.

6. In order to provide for efficient administration, to make the most effective use of the existing Federal agencies, and to integrate this Federal assistance program for current operating expenses into the existing state and local plans for financing public school services, Federal assistance for current operating expense should be administered by the United States Commissioner of Education in cooperation with state educational agencies.

---

[1]House Committee on Education and Labor, Federal Assistance for Educating Children, p. 80.

7. The authorizing legislation should assure that such Federal financial assistance be made available to school districts, eligible under the terms of the legislation to supplement revenues available under state plans for financing public schools.

8. Federal financial assistance should enable an affected school district to provide a school program approximately on the level of comparable school districts in the state not affected by Federal activities.

9. This assistance program should be designed to encourage acceptance of responsibility by state and local units of government. It should not discourage desirable changes in provisions for administering or financing public school services within each state.

10. Assistance for construction of school facilities urgently needed now should be programmed on a two year basis so as to assure their provision without further delay.

11. This program for providing Federal financial assistance for school construction should be administered by the United States Commissioner of Education in cooperation with the Commissioner, Bureau of Community Facilities.

12. Provision needs to be made in this proposed legislation to permit allotment of funds for the operation of schools on Federal reservations where the state or local educational authorities are prohibited from operating schools on these Federal properties, or where, for other reasons, local school agencies are unable to assume responsibility for operation of these schools. It is hoped that this provision would be necessary for only a temporary period. The objective should be that all schools for children residing on Federal property be operated by regularly constituted public school officials just as soon as possible.

13. Federal assistance as called for in these recommendations is restricted to meeting the Federal responsibility only in these affected school districts; it is not intended to provide assistance that would be available under proposals for general Federal aid.

14. Existing provisions for assistance to school districts educating children from Indian reservations should be continued temporarily. These provisions for financial assistance cover the education, as well as the health and welfare of the children involved. Since the legislation herewith recommended is restricted to a program of financial assistance to school districts affected by Federal activities, it should not make provision for services other than education.

15. It is recommended that provision for financing schools located on Atomic Energy Commission reservations at Oak Ridge, Tenn., Los Alamos, New Mexico, and Richland, Washington, respectively, be excluded from this proposed legislation.[2]

---

[2] Ibid., pp. 81-82.

APPENDIX IV

U. S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office of Education

Washington, D.C. 20202
Revised January 1964

A COMPILATION OF PUBLIC LAW 815, EIGHTY-FIRST CONGRESS, AS AMENDED (20 U.S.C. 631-645)[1]

AN ACT

Relating to the construction of school facilities in areas affected by Federal activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE AND APPROPRIATION

Section 1. The purpose of this Act is to provide assistance for the construction of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and each fiscal year thereafter, such sums as the Congress may determine to be necessary for such purpose. Sums so appropriated, other than sums appropriated for administration, shall remain available until expended.

PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS

Sec. 2. For each fiscal year the Commissioner shall determine the portion of the funds appropriated pursuant to section 1 which shall be available for carrying out the provisions of sections 9 and 10. The remainder of such funds shall be available for paying to local educational agencies the Federal share of the cost of projects for the construction of school facilities for which applications have been approved under section 6.

---

[1] Prepared by the U.S. Office of Education, Department of Health, Education, and Welfare, for use of its staff and interested applicants.

P.L. 815 (81st Cong.) approved September 23, 1950, has been amended by the 83d Congress by P.L. 246, approved August 8, 1953; P.L. 357, approved May 11, 1954; P.L. 731, approved August 31, 1954; by the 84th Congress by P.L. 382, approved August 12, 1955; P.L. 896, approved August 1, 1956; P.L. 949, approved August 3, 1956; by the 85th Congress by P.L. 85-161, approved August 21, 1957; P.L. 85-267, approved September 2, 1957; P.L. 85-620, approved August 12, 1958; by the 86th Congress by P.L. 86-70, approved June 25, 1959; P.L. 86-449, approved May 6, 1960; P.L. 86-624, approved July 12, 1960; by the 87th Congress by P.L. 87-344, approved October 3, 1961; and by the 88th Congress by P.L. 88-210, approved December 18, 1963.

ESTABLISHMENT OF PRIORITIES

Sec. 3. The Commissioner shall from time to time set dates by which applications for payments under this Act with respect to construction projects must be filed, except that the last such date with respect to applications for payments on account of children referred to in paragraphs (2) or (3) of section 5 (a) shall be not later than June 30, 1965. The Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under this Act and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this Act have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6 (b) (2) (C)) shall be considered applications for purposes of the preceding sentence.

FEDERAL SHARE FOR ANY PROJECT

Sec. 4. Subject to section 5 (which imposes limitations on the total of the payments which may be made to any local educational agency), the Federal share of the cost of a project under this Act shall be equal to such cost, but in no case to exceed the cost, in the school district of the applicant, of constructing minimum school facilities, and in no case to exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the schools of such agency at the close of the increase period and who will otherwise be without such facilities at such time. For the purposes of the preceding sentence, the number of such children who will otherwise be without such facilities at such time shall be determined by reference to those facilities which (1) are built or under contract as of the date on which the Commissioner set, under section 3, the earliest date on or before which the application for such project was filed, or (2) as of the date the application for such project is approved, are included in a project the application for which has been approved under this Act.

LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY

Sec. 5. (a) Subject to the limitations in subsections (c) and (d), the total of the payments to a local educational agency under this Act may not exceed the sum of the following:

(1) the estimated increase, since the base year, in the number of children residing on Federal property with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting

distance from such school district), multiplied by 95 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated; and

(2) the estimated increase, since the base year, in the number of children residing on Federal property, or residing with a parent employed on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district), multiplied by 50 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated. A child of a parent who commenced residing in or near the school district of such an agency while assigned to employment, as a member of the Armed Forces on active duty, on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district) and who was subsequently assigned elsewhere on active duty as a member of the Armed Forces, shall continue to be considered as residing with a parent employed on such Federal property, for purposes of this paragraph and paragraph (1) of this subsection, for so long as the parent is so assigned; and

(3) the estimated increase, since the base year, in the number of children whose membership results directly from activities of the United States (carried on either directly or through a contractor), multiplied by 45 per centum of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated. For purposes of this paragraph, the Commissioner shall not consider as activities of the United States those activities which are carried on in connection with real property excluded from the definition of Federal property by the last sentence of paragraph (1) of section 15, but shall (if the local educational agency so elects pursuant to subsection (b)) consider as children whose membership results directly from activities of the United States children residing on Federal property or residing with a parent employed on Federal property.

In computing for any local educational agency the number of children in an increase under paragraph (1), (2), or (3), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in the average daily membership of the schools of such agency during the base year.

(b) If two or more of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d), is at least twenty and is equal to at least 5 per centum in the case of paragraph (1) or (2), and 10 per centum in the case of paragraph (3), of the number of all children who were in the average daily membership of the schools of such agency during the base year, and unless, in the case of paragraph (3), the construction of additional minimum school facilities for the number of children in such increase will, in the judgment of the Commissioner, impose an undue financial burden on the taxing and borrowing authority of such agency: Provided, That children residing on any housing property which, prior to sale or transfer by the United States, was considered to be Federal property for the purposes of this Act, shall not be considered as having been federally connected in determining the eligibility of the local educational agency under this subsection.

(d) If (1) the estimated number of nonfederally connected children who will be in the membership of the schools of a local educational agency at the close of the increase period is less than (2) 107 per centum of the number of such children who were in the average daily membership of such agency during the base year, the total number of children counted for purposes of subsection (a) with respect to such agency shall be reduced by the difference between (1) and (2) hereof. For purposes of this subsection, all children in the membership of a local educational agency shall be counted as nonfederally connected children except children whose membership in the base year and increase period was compared in computing an increase which meets the requirements of subsection (c).

(e) Notwithstanding the provisions of subsections (c) and (d) of this section, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this Act, the Commissioner may do any one or more of the following: (1) he may waive or reduce any percentage requirement or requirements in subsection (c); (2) he may waive the requiremen contained in the first sentence of subsection (d) or reduce the percentage specified in clause (2) of such sentence.

(f) If--

(1) the first year of the increase period for an application made by a local educational agency constitutes the second year of the increase period for a previous application made by such agency under this Act, or under this Act as in effect January 1, 1958, and

(2) any payment has been or may be made to such agency on the basis of such previous application,

then, in determining under this section the total of the payments which may be made to such agency on the basis of the later application, the total number of children counted for purposes of paragraph (1), (2), or (3), as the case may be, of subsection (a) may not exceed--

(3) the number of children whose membership at the close of the increase period for the later application is compared with membership in the base year for purposes of such paragraph, minus

(4) the number of such children whose membership at the close of the increase period for the previous application was compared with membership in the base year for purposes of such paragraph.

APPLICATIONS

Sec. 6. (a) No payment may be made to any local educational agency under this Act except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him.

(b) (1) Each application by a local educational agency shall set forth the project for the construction of school facilities for such agency with respect to which it is filed, and shall contain or be supported by--

(A) a description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as may reasonably be required by the Commissioner;

(B) assurance that such agency has or will have title to the site, or the right to construct upon such site school facilities as specified in the application and to maintain such school facilities on such site for a period of not less than twenty years after the completion of the construction;

(C) assurance that such agency has legal authority to undertake the construction of the project and to finance any non-Federal share of the cost thereof as proposed, and assurance that adequate funds to defray any such non-Federal share will be available when needed;

(D) assurance that such agency will cause work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence;

(E) assurance that the rates of pay for laborers and mechanics engaged in the construction will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law Numbered 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended;

(F) assurance that the school facilities of such agency will be available to the children for whose education contributions are provided in this Act on the same terms, in accordance with the laws of the State in which the school district of such agency is situated, as they are available to other children in such school district; and

(G) assurance that such agency will from time to time prior to the completion of the project submit such reports relating to the project as the Commissioner may reasonably require.

(2) The Commissioner shall approve any application if he finds (A) that the requirements of paragraph (1) have been met and that approval of the project would not result in payments in excess of those permitted by sections 4 and 5, (B) after consultation with the State and local educational agencies, that the project is not inconsistent with overall State plans for the construction of school facilities, and (C) that there are sufficient Federal funds available to pay the Federal share of the cost of such project and of all other projects for which Federal funds have not already been obligated and applications for which, under section 3, have a higher priority: Provided, That the Commissioner may approve any application for payments under this Act at any time after it is filed and before any priority is established with respect thereto under section 3 if he determines that--

(i) on the basis of information in his possession, it is likely that the urgency of the need of the local educational agency is such that it would have a priority under section 3 which would qualify it for payments under this Act when such priorities are established, and

(ii) the number of children in the increase under section 5 (a) is in large measure attributable to children who reside or will reside in housing newly constructed on Federal property.

(c) No application under this Act shall be disapproved in whole or in part until the Commissioner of Education has afforded the local educational agency reasonable notice and opportunity for hearing.

PAYMENTS

Sec. 7. (a) Upon approving the application of any local educational agency under section 6, the Commissioner of Education shall pay to such agency an amount equal to 10 per centum of the Federal share of the cost of the project. After final drawings and specifications have been approved by the Commissioner of Education and the construction contract has been entered into, the Commissioner shall, in accordance with regulations prescribed by him and at such times and in such installments as may be reasonable, pay to such agency the remainder of the Federal share of the cost of the project.

(b) Any funds paid to a local educational agency under this Act and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

ADDITIONAL PAYMENTS

Sec. 8. Not to exceed 10 per centum of the sums appropriated pursuant to this Act for any fiscal year (exclusive of any sums appropriated for administration) may be used by the Commissioner, under regulations prescribed by him, to make grants to local educational agencies where (1) the application of such agencies would be approved under this

Act but for the agencies' inability, unless aided by such grants, to finance the non-Federal share of the cost of the projects set forth in their applications, or (2) although the applications of such agencies have been approved, the projects covered by such applications could not, without such grants, be completed, because of flood, fire, or similar emergency affecting either the work on the projects or the agencies' ability to finance the non-Federal share of the cost of the projects. Such grants shall be in addition to the payments otherwise provided under this Act, shall be made to those local educational agencies whose need for additional aid is the most urgent and acute, and insofar as practicable shall be made in the same manner and upon the same terms and conditions as such other payments.

WHERE EFFECT OF FEDERAL ACTIVITIES WILL BE TEMPORARY

Sec. 9. Notwithstanding the preceding provisions of this Act, whenever the Commissioner determines that the membership of some or all of the children, who may be included in computing under section 5 the maximum on the total of the payments for any local educational agency, will be of temporary duration only, such membership shall not be included in computing such maximum. Instead, the Commissioner may make available to such agency such temporary school facilities as may be necessary to take care of such membership; or he may, where the local educational agency gives assurance that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of this Act) to such agency for use in constructing school facilities an amount equal to the amount which he estimates would be necessary to make available such temporary facilities. In no case, however, may the amount so paid exceed the cost, in the school district of such agency, of constructing minimum school facilities for such children. The Commissioner may transfer to such agency or its successor all the right, title, and interest of the United States in and to any temporary facilities made available to such agency under this section (or section 309 of this Act as in effect January 1, 1958); any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time as the Commissioner deems appropriate to carry out the purposes of this Act.

CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

Sec. 10. In the case of children who it is estimated by the Commissioner in any fiscal year will reside on Federal property at the end of the next fiscal year--

(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make arrangements for constructing or otherwise providing the minimum school facilities necessary for the education of such children. Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children. To the maximum extent practicable school facilities provided under this section shall be comparable to minimum school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commissioner, and (B) to Indian children attending federally operated Indian schools. Whenever it is necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, the membership of such children may not be included in computing under section 5 the maximum on the total of the payments for any local educational agency.

WITHHOLDING OF PAYMENTS

Sec. 11. (a) Whenever the Commissioner of Education, after reasonable notice and opportunity for hearing to a local educational agency, finds (1) that there is a substantial failure to comply with the drawings and specifications for the project, (2) that any funds paid to a local educational agency under this Act have been diverted from the purposes for which paid, or (3) that any assurance given in an application is not being or cannot be carried out, the Commissioner may forthwith notify such agency that no further payment will be made under this Act with respect to such agency until there is no longer any failure to comply or the diversion or default has been corrected or, if compliance or correction is impossible, until such agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended

(b) The final refusal of the Commissioner to approve part or all of any application under this Act, and the Commissioner's final action under subsection (a) of this section, shall be subject to judicial review on the record, in the United States court of appeals for the circuit in which the local educational agency is located, in accordance with the provisions of the Administrative Procedure Act.

ADMINISTRATION

Sec. 12. (a) In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

(b) The Commissioner of Education shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

(d) With respect to compliance with and enforcement of the prevailing wage provisions of section 6 (b) (1) (E), the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures, which shall be observed by the agencies administering such provisions, and shall cause to be made by the Department of Labor such investigations as he deems desirable.

USE OF OTHER FEDERAL AGENCIES: TRANSFER AND AVAILABILITY OF APPROPRIATIONS

Sec. 13. (a) The Commissioner may delegate to any officer or employee of the Office of Education any of his functions under this Act, except the making of regulations. In carrying out his functions under this Act, the Commissioner of Education may also utilize the facilities and services of any other Federal department or agency and may delegate the performance of any of his functions, except the making of regulations, to any officer or employee of any other Federal department or agency. The Commissioner of Education shall exercise the authority contained in the preceding sentence whenever such exercise will avoid the creation within the Office of Education of a staff and facilities which duplicate existing available staffs and facilities. Any such utilization or delegation shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement. Any delegation of functions or authority authorized under this section will not relieve the Commissioner of the responsibility placed on him by this Act.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may give rise to a need for the construction of school facilities, shall to the maximum extent practicable, comply with requests of the Commissioner for information he may require in carrying out the purposes of this Act.

(c) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the same purpose as this Act; except that nothing in this subsection shall affect the availability of appropriations authorized, prior to September 23, 1950, for the construction of school facilities to be attended by Indian children or appropriations (1) for the construction of school facilities on Federal property under the control of the Atomic Energy Commission, (2) for the construction of school facilities which are to be federally operated for Indian children, or (3) for the construction of school facilities under the Alaska Public Works Act, approved August 24, 1949.

SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY AFFECTED AREAS

Sec. 14. (a) If the Commissioner determines with respect to any local educational agency that--

(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Federal property, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds 100;

(2) the immunity of such Federal property to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the purpose; and

(4) such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education in its school district,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) in the case of any application for additional assistance on account of children who reside on Indian lands whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (c)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection "Indian lands" means Indian reservations or other real property referred to in the third sentence of section 15(1).

(b) There are hereby authorized to be appropriated for each fiscal year ending prior to July 1, 1965, such sums, not to exceed $60,000,000 in the aggregate, as may be necessary to carry out the provisions of this section. There are also authorized to be appropriated such sums as may be necessary for administration of such provisions. Amounts so appropriated

other than amounts appropriated for administration, shall remain available until expended, except that after June 30, 1965, no agreement may be made to extend assistance under this section.

(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6 (b) (1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with over-all State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance of, or by way of reimbursement for, work performed or purchases made pursuant to the agreement with the Commissioner under this section, and may be paid in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6 (b) (1), shall apply with respect to determinations made under this section.

DEFINITIONS

Sec. 15. For the purposes of this Act--

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes real property which is owned by the United States and leased therefrom and the improvements thereon, even though the lessee's interest, or any improvement on such property, is subject to taxation by a State or a political subdivision of a State or by the District of Columbia. Except for the purposes of section 10, such term also includes (A) real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States, and (B) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Notwithstanding the foregoing provisions of this paragraph, such term does not include (A) any real property used by the United States primarily for the provision of services or benefits to the local area in which such property

is situated, (B) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, (C) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (D) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671, Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

(2) The term "child" means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.

(5) The membership of schools shall be determined in accordance with State law or, in the absence of State law governing such a determination, in accordance with regulations of the Commissioner; except that, notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the membership of such child, shall be held and considered--

(A) if the two local educational agencies concerned so agree, and if such agreement is approved by the Commissioner, as membership of a school of the local educational agency receiving such tuition payment;

(B) in the absence of any such approved agreement, as membership of a school of the local educational agency so making or contracting to make such tuition payment.

In any determination of membership of schools, children who are not provided free public education (as defined in paragraph (4)) shall not be counted.

(6) The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Commissioner of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities (exclusive of costs of site improvements, equipment, and architectural, engineering, and legal fees) entered into in the State for the base year designated in the application, increased by a percentage estimated by the Commissioner to represent additional costs for site improvements, equipment, and architectural, engineering, and legal fees, and multiplied by a factor estimated by the Commissioner to represent the area needed per pupil in minimum school facilities. If the Commissioner finds that the information available for the State concerned for such preceding fiscal year is inadequate or not sufficiently representative, he shall determine such cost on the basis of such information as he has available and after consultation with the State educational agency. The cost of constructing minimum

school facilities in the school district of a local educational agency shall be determined by the Commissioner, after consultation with the State and local educational agencies, on the basis of such information as may be contained in the application of such local educational agency and such other information as he may obtain.

(7) Estimates of membership, and all other determinations with respect to eligibility and maximum amount of payment, shall be made as of the time of the approval of the application for which made, and shall be made on the basis of the best information available at the time of such approval.

(8) The terms "construct", "constructing", and "construction" include the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(9) The term "school facilities" includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 9 and 10, such term does not include interests in land and off-site improvements.

(10) Whether or not school facilities are minimum school facilities shall be determined by the Commissioner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him.

(11) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education or which has responsibility for the provision of such facilities.

(12) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(13) The term "State" means a State, Puerto Rico, Guam, the Virgin Islands, or Wake Island.

(14) The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

(15) The term "base year" means the regular school year preceding the fiscal year in which an application was filed under this Act or the regular school year preceding such school year, as may be designated in the application, except that in the case of an application based on children referred to in paragraph (2) or (3) of section 5 (a), the base year shall in no event be later than the regular school year 1962-1963; and

(16) The term "increase period" means the period of two consecutive regular school years immediately following such base year.

U. S. DEPARTMENT OF APPENDIX V
HEALTH, EDUCATION, AND WELFARE
Office of Education

Washington, D.C. 20202
Revised May, 1965

A COMPILATION OF PUBLIC LAW 874, EIGHTY-FIRST CONGRESS, AS AMENDED (20 U.S.C. 236-245) RELATING TO FINANCIAL ASSISTANCE IN FEDERALLY AFFECTED AREAS 1/

AN ACT

To provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I--FINANCIAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITY

DECLARATION OF POLICY

Section 1. In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following sections of this title) for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that--

(1) the revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States; or

(2) such agencies provide education for children residing on Federal property; or

(3) such agencies provide education for children whose parents are employed on Federal property; or

(4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

1/ Prepared by the Division of School Assistance in Federally Affected Areas, U.S. Office of Education, for use of its staff and interested applicants.

P.L. 874 (81st Cong.) approved September 30, 1950, has been amended by the 83d Congress by P.L. 170, approved July 31, 1953; P.L. 248 approved August 8, 1953; and P.L. 732, approved August 31, 1954; by the 84th Congress by P.L. 204, approved August 1, 1955; P.L. 221, approved August 4, 1955; P.L. 382, approved August 12, 1955; P.L. 896, approved August 1, 1956; and P.L. 949, approved August 4, 1956; by the 85th Congress by P.L. 85-620, approved August 12, 1958; and P.L. 85-900, approved September 2, 1958; by the 86th Congress by P.L. 86-70, approved June 25, 1959; P.L. 86-449, approved May 6, 1960; and P.L. 86-624, approved July 12, 1960; by the 87th Congress by P.L. 87-344, approved October 3, 1961; by the 88th Congress by P.L. 88-210, approved December 18, 1963; and P.L. 88-665, approved October 16, 1964; by the 89th Congress by P.L. 89-10, approved April 11, 1965.

FEDERAL ACQUISITION OF REAL PROPERTY

Sec. 2. (a) Where the Commissioner, after consultation with any local educational agency and with the appropriate State educational agency, determines for any fiscal year ending prior to July 1, 1968--

(1) that the United States owns Federal property in the school district of such local educational agency, and that such property (A) has been acquired by the United States since 1938, (B) was not acquired by exchange for other Federal property in the school district which the United States owned before 1939, and (C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 per centum or more of the assessed value of all real property in the school district (similarly determined as of the time or times when such Federal property was so acquired); and

(2) that such acquisition has placed a substantial and continuing financial burden on such agency; and

(3) that such agency is not being substantially compensated for the loss in revenue resulting from such acquisition by (A) other Federal payments with respect to the property so acquired, or (B) increases in revenue accruing to the agency from the carrying on of Federal activities with respect to the property so acquired,

then the local educational agency shall be entitled to receive for such fiscal year such amount as, in the judgment of the Commissioner, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property, to the extent such agency is not compensated for such burden by other Federal payments with respect to the property so acquired. Such amount shall not exceed the amount which, in the judgment of the Commissioner, such agency would have derived in such year, and would have had available for current expenditures, from the property acquired by the United States (such amount to be determined without regard to any improvements or other changes made in or on such property since such acquisition), minus the amount which in his judgment the local educational agency derived from other Federal payments with respect to the property so acquired and had available in such year for current expenditures.

(b) For the purposes of this section--

(1) The term "other Federal payments" means payments in lieu of taxes, and any other payments, made with respect to Federal property pursuant to any law of the United States other than this title, and property taxes paid with respect to Federal property, whether or not such taxes are paid by the United States, but shall not include payments pursuant to contract or other arrangement under section 1 of the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., Sec. 452).

(2) Any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933, as amended, shall not be regarded as Federal property.

(c) Where the school district of any local educational agency shall have been formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at the time it files application under section 5) for any fiscal year to have (1) the eligibility of such local educational agency, and (2) the amount which such agency shall be entitled to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school district as the agency shall designate in such election.

CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON, FEDERAL PROPERTY

CHILDREN OF PERSONS WHO RESIDE AND WORK ON FEDERAL PROPERTY

Sec. 3. (a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools, resided on Federal property and (1) did so with a parent employed on Federal property situated in whole or in part in the same State as the school district of such agency or situated within reasonable commuting distance from the school district of such agency, or (2) had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949). 2/

CHILDREN OF PERSONS WHO RESIDE OR WORK ON FEDERAL PROPERTY

(b) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1968, the Commissioner shall also determine the number of children (other than children to whom subsection (a) applies) who were in average daily attendance at the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year and who, while in attendance at such schools, either resided on Federal property, or resided with a parent employed on Federal property situated in whole or in part in the same State as such agency or situated within reasonable commuting distance from the school district of such agency. A child of a parent who commenced residing in or near the school district of such agency while assigned to employment, as a member of the Armed Forces 2/ on active duty, on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district) and who was subsequently assigned elsewhere on active duty as a member of the Armed Forces, shall continue to be considered as residing with a parent employed on such Federal property for so long as the parent is so assigned elsewhere.

2/ Includes Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Services, and all regular and Reserve components thereof, the first five of which are also Armed Forces (63 Stat. 804; 14 U.S.C., Sec. 1)

(c)(1) The amount to which a local educational agency is entitled under this section for any fiscal year shall be an amount equal to (A) the local contribution rate (determined under subsection (d) multiplied by (B) the sum of the number of children determined under subsection (a) and one-half of the number determined under subsection (b).

(2) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under subsection (a) or subsection (b), as the case may be, unless the number of children who were in average daily attendance during such year and to whom such subsection applies--

(A) is ten or more; and

(B) amounts to 3 per centum or more of the total number of children who were in average daily attendance during such year and for whom such agency provided free public education, except that such 3 per centum requirement need not be met by such agency for any period of two fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section but the payment, under the provisions of this section to such agency for the second fiscal year of any such two-year period during which such requirement is not met, shall be reduced by 50 per centum of the amount thereof.

For the purposes of this paragraph and paragraph (3), a local educational agency may count as children determined under subsection (b) any number of children determined under subsection (a). Notwithstanding the provisions of clause (B) of this paragraph, the Commissioner may waive the 3 per centum condition of entitlement contained in such clause whenever, in his judgment, exceptional circumstances exist which would make the application of such condition inequitable and would defeat the purposes of this title.

(3) Notwithstanding the preceding provisions of this section, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1957, exceeded 35,000, such agency's percentage requirement for eligibility (as set forth in paragraph (2) of this subsection) shall be 6 per centum instead of 3 per centum (and the provisions of the last sentence of such paragraph (2) which relate to the lowering of the percentage requirement shall not apply): *Provided*, That this paragraph shall not apply to any agency or consolidated agencies which have qualified for payments under this title before the date of enactment of this proviso, by virtue of having less than 35,000 average daily attendance during the fiscal year ending June 30, 1939.

(4) If--

(A) the amount computed under paragraph (1) for a local educational agency for any fiscal year, together with the funds available to such agency from State, local, and other Federal sources (including funds available under section 4 of this title, but excluding funds available under title II) is, in the judgment of the Commissioner, less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained in the school districts of the State which, in the judgment of the Commissioner, are generally comparable to the school district of such agency;

(B) such agency is, in the judgment of the Commissioner, making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

(C) not less than 50 per centum of the total number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year resided on Federal property; and

(D) the eligibility of such agency under State law for State aid with respect to the free public education of children residing on Federal property, and the amount of such aid, is determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State,

the Commissioner may increase the amount computed under paragraph (1) to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts; except that this paragraph shall in no case operate to increase the amount computed for any fiscal year under paragraph (1) for a local educational agency above the amount determined by the Commissioner to be the cost per pupil of providing a level of education equivalent to that maintained in such comparable school districts, multiplied by the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such year, and who resided on Federal property during such year, minus the amount of State aid which the Commissioner determines to be available with respect to such children for the year for which the computation is being made.

(5) The determinations whether a local educational agency has met the percentage requirements for eligibility under paragraphs (2), (3), and (4) of this subsection for any fiscal year shall be made on the basis of estimates by the Commissioner made prior to the close of such year, except that an underestimate made by the Commissioner pursuant to the foregoing provisions of this sentence shall not operate to deprive an agency of its entitlement to any payments under this section to which it would be entitled had the estimate been accurate.

(d) The local contribution rate for a local educational agency (other than a local educational agency in Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, or in a State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency, or in a State in which there is only one local educational agency) for any fiscal year shall be computed by the Commissioner of Education, after consultation with the State educational agency and the local educational agency, in the following manner:

(1) he shall determine which school districts within the State are in his judgment generally comparable to the school district of the agency for which the computation is being made; and

(2) he shall then divide (A) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which the local educational agencies of such comparable school districts made from revenues derived from local sources, by (B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year.

The local contribution rate shall be an amount equal to the quotient obtained under clause (2) of this subsection. If, in the judgment of the Commissioner, the current expenditures in those school districts which he has selected under clause (1) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in the school district of the local educational agency for which the computation is being made, a level of education equivalent to that maintained in such other districts, the Commissioner may increase the local contribution rate for such agency by such amount as he determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. In no event shall the local contribution rate for any local educational agency in any State (other than Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands) for any fiscal year be less than (i) 50 per centum of the average per pupil expenditure in such State or (ii) 50 per centum of the average per pupil expenditure in the United States (which for purposes of this sentence and the next sentence means the fifty States and the District of Columbia), but not to exceed the average per pupil expenditure in the State: *Provided*, That if, for the fiscal year ending June 30, 1959, the application of clause (ii) of this sentence results in a lower local contribution rate than resulted from the application of such clause during the fiscal year ending June 30, 1958, as such clause was then in effect, then such clause, as in effect during the fiscal year ending June 30, 1958, shall be in effect during the fiscal year ending June 30, 1959. For the purposes of the preceding sentence the "average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in the State, or in the United States, as the case may be (without regard to the sources of funds from which such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding fiscal year. The local contribution rate for any local educational agency in Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, or in any State in which a substantial proportion of the land is in unorganized territory for which a State agency is the local educational agency, or in any State in which there is only one local educational agency, shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of this title and most nearly approximate the policies and principles provided herein for determining local contribution rates in other States.

CERTAIN FEDERAL CONTRIBUTIONS TO BE DEDUCTED

(e) In determining the total amount which a local educational agency is entitled to receive under this section (other than subsection (c)(4) thereof) for a fiscal year, the Commissioner shall deduct (1) such amount as he determines such agency derived from other Federal payments (as defined in section 2(b)(1)) and actually had available in such year for current expenditures (but only to the extent such payments are not deducted under the last sentence of section 2(a); and, in the case of Federal payments representing an allotment to the local educational agency from United States Forestry Reserve funds, Taylor Grazing Act funds, United States Mineral Lease Royalty funds,

Migratory Bird Conservation Act funds, or similar funds, only to the extent that children who reside on or with a parent employed on the property with respect to which such funds are paid are included in determining the amount to which such agency is entitled under this section), and (2) such amount as he determines to be the value of transportation and of custodial and other maintenance services furnished such agency by the Federal Government during such year.

ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES

(f) Whenever the Commissioner determines that--

(1) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (a) or (b) applies;

(2) such preparations were in his judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

(3) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities or by reason of a failure of any of such activities to occur,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities or the failure of such activities to occur.

SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE

INCREASES HEREAFTER OCCURRING

Sec. 4. (a) If the Commissioner determines for any fiscal year ending prior to July 1, 1968,--

(1) that, as a direct result of activities of the United States States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from activities of the United States is equal to at least 5 per centum of the difference between the number of children in average daily attendance at the schools of such agency during the preceding fiscal year and the number of such children whose attendance during such year resulted from activities of the United States (including children who resided on Federal property or with a parent employed on Federal property);

(2) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved,

then such agency shall be entitled to receive for such fiscal year an amount equal to the product of--

(A) the number of children which the Commissioner determines to be the increase, so resulting from activities of the United States, in such year in average daily attendance; and

(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from State, local, and Federal sources for such purpose (not counting as available for such purpose either payments under this Act or funds from local sources necessary to provide free public education to other children).

For the next fiscal year (except where the determination under the preceding sentence has been made with respect to the fiscal year ending June 30, 1968) such agency shall be entitled to receive 50 per centum of such product reduced by the amount of such product which is attributable to children with respect to whom such agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year, but not to exceed for such year the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds (exclusive of funds available under title II) available to it for such purpose, to provide a level of education equivalent to that maintained in the school districts in such State which in his judgment are generally comparable to the school district of such agency. The determinations whether an increase has occurred for purposes of clause (1) hereof and whether such increase meets the 5 per centum requirement contained in such clause, for any fiscal year, shall be made on the basis of estimates by the Commissioner made prior to the close of such year, except that an underestimate made by the Commissioner pursuant to the foregoing provisions of this sentence shall not operate to deprive an agency of its entitlement to any payments under this section to which it would be entitled had the estimate been accurate. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts in the State which, in the judgment of the Commissioner are generally comparable to the school district of the local educational agency for which the computation is being made.

INCREASES HERETOFORE OCCURRING

(b) Subsection 4(b) is now obsolete.

COUNTING OF CERTAIN CHILDREN

(c) In determining under subsection (a) whether there has been an increase in attendance in any fiscal year directly resulting from activities of the United States and the number of children with respect to whom payment is to be made for any fiscal year, the Commissioner shall not count--

(A) children with respect to whom a local educational agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year: *Provided*, That the Commissioner shall count for such purposes as an increase directly resulting from activities of the United States, an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property, if the local educational agency files, in accordance with regulations of the Commissioner, its election that such increase be counted for such purposes instead of for the purposes of section 3; and

(B) children whose attendance is attributable to activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 303.

ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES

(d) Whenever the Commissioner determines that--

(1) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (a) applies;

(2) such preparations were in his judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

(3) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities or by reason of a failure of any of such activities to occur,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities or the failure of such activities to occur.

CONSULTATION WITH STATE AND LOCAL AUTHORITIES

(e) All determinations of the Commissioner under this section shall be made only after consultation with the State educational agency and the local educational agency.

METHOD OF MAKING PAYMENTS

APPLICATION

Sec. 5. (a) No local educational agency shall be entitled to any payment under section 2, 3, or 4 of this title for any fiscal year except upon application therefor, submitted through the State educational agency and filed in accordance with regulations of the Commissioner, which application gives adequate assurance that the local educational agency will submit such reports as the Commissioner may reasonably require to determine the amount to which such agency is entitled under this title.

PAYMENT

(b) The Commissioner shall, subject to the provisions of subsection (c), from time to time pay to each local educational agency, in advance or otherwise, the amount which he estimates such agency is entitled to receive under this title. Such estimates shall take into account the extent (if any) to which any previous estimate of the amount to be paid such agency under this title (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office.

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

(c) If the funds appropriated for a fiscal year for making the payments provided in this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner shall, subject to any limitation contained in the Act appropriating such funds, allocate such funds, other than so much thereof as he estimates to be required for section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections. The amount thus allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section (including, in the case of section 3, any increases under subsection (c)(4) thereof), such percentage to be equal to the percentage which the amount thus allocated to such section is of the amount to which all such agencies are entitled under such section. In case the amount so allocated to a section for a fiscal year exceeds the total to which all local educational agencies are entitled under such sections for such year or in case additional funds become available for carrying out such sections, the excess, or such additional funds, as the case may be, shall be allocated by the Commissioner, among the sections for which the previous allocations are inadequate, on the same basis as is provided above for the initial allocation.

CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

Sec. 6. (a) In the case of children who reside on Federal property--

(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the school in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has

consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children. To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency, with which any arrangement is made under this section shall take such action as may be necessary to insure that the education provided pursuant to such arrangement is comparable to free public education provided for children in comparable communities in the State, or, in the case of education provided under this section outside the continental United States, Alaska, and Hawaii, comparable to free public education provided for children in the District of Columbia. For the purpose of providing such comparable education, personnel may be employed without regard to the civil service or classification laws. In any case where education was being provided on January 1, 1955, or thereafter under an arrangement made under this subsection for children residing on an Army, Navy (including the Marine Corps), or Air Force installation, it shall be presumed, for the purposes of this subsection, that no local educational agency is able to provide suitable free public education for the children residing on such installation, until the Commissioner and the Secretary of the military department concerned jointly determine, after consultation with the appropriate State educational agency, that a local educational agency is able to do so.

(b) In any case in which the Commissioner makes such arrangements for the provision of free public education in facilities situated on Federal property, he may also make arrangements for providing free public education in such facilities for children residing in any area adjacent to such property with a parent who, during some portion of the fiscal year in which such education is provided, was employed on such property, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this title, (2) that no local educational agency is able to provide suitable free public education for such children, and (3) in any case where in the judgment of the Commissioner the need for the provision of such education will not be temporary in duration, that the local educational agency of the school district in which such children reside, or the State educational agency, or both, will make reasonable tuition payments to the Commissioner for the education of such children. Such payments may be made either directly or through deductions from amounts to which the local educational agency is entitled under this title, or both, as may be agreed upon between such agency and the Commissioner. Any amounts paid to the Commissioner by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

(c) In any case in which the Commissioner makes arrangements under this section for the provision of free public education in facilities situated on Federal property in Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, he may also make arragements for providing free public education in such facilities for children residing with a parent employed by the United States, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this title, and (2) that no local educational agency is able to provide suitable free public education for such children.

(d) The Commissioner may make an arrangement under this section only with a local educational agency or with the head of a Federal department or agency administering Federal property on which children reside who are to be provided education pursuant to such arrangement or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children. Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements may be made under this section only for the provision of education in facilities of a local educational agency or in facilities situated on Federal property.

(e) To the maximum extent practicable, the Commissioner shall limit the total payments made pursuant to any such arrangement for educating children within the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the per pupil cost of free public education provided for children in comparable communities in the State. The Commissioner shall limit the total payments made pursuant to any such arrangement for educating children outside the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the amount he determines to be necessary to provide education comparable to the free public education provided for children in the District of Columbia.

(f) In the administration of this section, the Commissioner shall not exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system.

******

TITLE II--FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES

[Omitted since it does not relate to financial assistance for local educational agencies in areas affected by Federal activities.]

******

TITLE III--GENERAL

ADMINISTRATION

Sec. 301. (a) In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruc- of any school or school system of any local or State educational agency.

(b) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursements.

USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

Sec. 302. (a) In carrying out his functions under this Act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 6 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement. The Commissioner is authorized to delegate to any officer or employee of the Office of Education any of his functions under this Act except the making of regulations.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under title I, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of title I.

(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as title I, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of title I, be transferred to the Commissioner for use by him in carrying out such purposes.

(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operation of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs, or the availability of appropriations for the making of payments directed to be made by section 91 of the Atomic Energy Community Act of 1955, as amended, or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., Sec 452).

DEFINITIONS

Sec. 303. For the purposes of this Act--

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes real property which is owned by the United States and leased therefrom and the improvements thereon, even though the lessee's interest, or any improvement on such property, is subject to taxation by a State or a political subdivision of a State or by the District of Columbia.

Such term also includes, (A) except for purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any housing property considered prior to such sale or transfer to be Federal property for the purposes of this Act, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Notwithstanding the foregoing provisions of this paragraph, such term does not include (A) any real property used by the United States primarily for the provision of services or benefits to the local area in which such property is situated, (B) any real property used for a labor supply center, labor home, or labor camp for migratory farm workers, (C) any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services, or (D) any low-rent housing project held under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the United States Housing Act of 1937, the Act of June 28, 1940 (Public Law 671 of the Seventy-sixth Congress), or any law amendatory of or supplementary to any of such Acts.

(2) The term "child", except as used in title II, means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that for the purposes of title II such term does not include any education provided beyond grade 12.

(5) The term "current expenditures" means expenditures for free public education to the extent that such expenditures are made from current revenues, except that such term does not include any such expenditure for the acquisition of land, the erection of facilities, interest, or debt service, or any expenditures made from funds granted under title II of this Act or titles II or III of the Elementary and Secondary Education Act of 1965.

(6) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(7) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(8) The term "State" means a State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands, and for purposes of title II, such term includes the Trust Territory of the Pacific Islands.

(9) The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

(10) Average daily attendance shall be determined in accordance with State law; except that, notwithstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (A) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (B) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such tuition payment under the contract.

******

TITLE III WAS EXPANDED TO INCLUDE 5 ADDITIONAL DEFINITIONS WHICH ARE EXCLUDED FROM THIS COMPILATION SINCE THEY PERTAIN TO TITLE II OF P.L. 874 RATHER THAN TO TITLE I.

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office of Education
Washington, D.C. 20202

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS — BULLETIN NO. 12 (Revised) — January 1, 1964

TO: State Representatives for School Assistance in Federally Affected Areas

Local Educational Agencies

Federal Agencies

Field Representatives, OOE-DSA

FROM: Rall I. Grigsby, Director
School Assistance in Federally Affected Areas

SUBJECT: Provision of Free Public Education for Children Pursuant to Section 6, Public Law 874 (81st Cong.), as Amended.

I. PURPOSE. The purpose of this bulletin is to inform State and local educational officials and Federal officials: (1) of the authority and responsibility of the U.S. Commissioner of Education to make arrangements for the provision of free public education under the several subsections of section 6, P.L. 874, as amended; (2) of the policy of the Commissioner in making arrangements for such free public education; and (3) to set forth the procedures to be used in the preparation and submission of requests for such arrangements.

The policy and procedures stated in this bulletin will apply to all requests for arrangements under section 6, P.L. 874, submitted subsequent to the date of its issuance.

II. LEGISLATIVE AUTHORITY AND RESPONSIBILITY. 1/

A. Subsection 6(a) of P.L. 874 requires that the Commissioner make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for children who reside on Federal property if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children or if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.

It has been determined that under the terms of section 6 "free public education" which is segregated by race is not suitable. Arrangements to provide suitable free public education with respect to children residing on Federal property will be made by the Commissioner in appropriate situations where he determines that the education provided by a local educational agency is not suitable by reason of racial segregation. To the maximum extent practicable the education to be provided pursuant to any such arrangements made by the Commissioner shall be comparable to free public education provided for children in comparable communities in the same State.

1/ See Exhibit D for text of section 6.

Subsection 501(a) of P.L. 86-449, approved May 6, 1960, (the "Civil Rights Act of 1960") amended subsection 6(a) of P.L. 874 to provide that the Commissioner may also make arrangements to provide free public education for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local government authority, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.

B. Subsection 6(b) of P.L. 874 provides that in any case where the Commissioner makes arrangements for the provision of free public education in facilities situated on Federal property, he may also make arrangements for the provision of free public education in facilities situated on Federal property for children residing in any area adjacent to such property with a parent who, during some portion of the fiscal year in which such education is provided, was employed on such property if he determines, after consultation with the appropriate State educational agency, that the provision of such education is appropriate to carry out the purposes of the Act and that no local educational agency is able to provide suitable free public education for such children.

C. Subsection 6(c) of P.L. 874 provides that in any case where the Commissioner makes arrangements for the provision of free public education in facilities situated on Federal property in Puerto Rico, Wake Island, Guam, or the Virgin Islands, he may also make arrangements for the provision of free public education in such facilities for children residing with a parent employed by the United States, if he determines, after consultation with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.

D. Subsection 6(d) provides that arrangements made under any of the subsections of section 6 shall be made only with a local educational agency or with the head of the Federal agency having jurisdiction over the property on which the children reside or with the head of the Federal Department or Agency having jurisdiction over some or all of the parents of the children of members of the Armed Forces.

E. Subsection 6(e) requires the Commissioner, to the maximum extent practicable, to limit total payments pursuant to such arrangements, to an amount not to exceed the per pupil cost in comparable communities in the State, or in the District of Columbia in certain situations.

F. Finally, subsection 6(f) provides that in the administration of this section the Commissioner shall not exercise any direction, supervision or control over the personnel, curriculum, or program of instruction of any school or school system.

III. STATEMENT OF POLICY. In conformity with the provisions of P.L. 874 it is the policy of the Commissioner that children residing on Federal property be educated whenever possible in schools operated and controlled by local public school systems in accordance with State laws and standards. Only when it is not possible for the reasons set forth in item II above for certain children to attend a locally operated school will the Commissioner make arrangements for the free public education of such children.

IV. TYPES OF ARRANGEMENTS. The arrangements for such free public education will be made by the Commissioner either with a local educational agency, or with the head of a Federal department or agency, whichever in his judgment appears to be more appropriate.

If the arrangement for providing the free public education is made with a local educational agency, the Commissioner will enter into an agreement with the local educational agency based on a letter of proposal submitted by the local educational agency. The agreement will specify the basis on which the free public education will be provided and the basis on which Federal funds for providing such free public education will be approved and paid.

If the arrangement is made with a Federal agency, the Commissioner will, on the basis of information submitted to him in a letter of proposal (see items V and VI in this bulletin), determine the amount of money necessary to provide free public education for the children involved. To the maximum extent practicable this amount will be limited to an amount not to exceed the per pupil cost in comparable communities in the same State (or the District of Columbia) which will enable the Federal agency to provide free public education of a kind and quality comparable to that provided in such comparable communities. The Federal agency which will be responsible for organizing and operating the education program will be notified of the total amount approved for the operating budget for the year and will be expected to operate within that amount.

The Federal funds will be transferred to the operating agency quarterly, in advance, or by way of reimbursement. Quarterly and final reports showing actual membership, average daily attendance and expenditures are required. (See item VIII.)

V. LETTER PROPOSAL FOR THE AUTHORITY AND NECESSARY FUNDS TO OPERATE AN EDUCATIONAL PROGRAM UNDER THE PROVISIONS OF SECTION 6. The Commissioner enters into arrangements pursuant to letter proposals or information otherwise received. Agencies making proposals should follow the procedures hereinafter set forth.

VI. LETTER PROPOSALS: PROCEDURES.

A. Preliminary Steps.--In determining whether conditions exist which necessitate that the Commissioner make arrangements for providing free public education under section 6, and, if so, whether the arrangements should be made with a local educational agency or with the head of the Federal department or agency administering the property, the Commissioner will consider correspondence and discussions between the Commissioner's representatives, the officials administering the Federal property and local school officials, and information otherwise received. Where it appears that such conditions exist, the OOE-DSA Field Representative should arrange a conference with the local, State and Federal agency representatives concerned. The official administering the Federal property should provide the conferees with information regarding the number of children for whom the arrangements should be made. On the basis of this conference, the Field Representative should first determine, in accordance with the policy stated in item III, whether free public education can be made available under the provisions of section 3 to all or any of the children involved. For those children, if any, for whom free public education cannot be provided under section 3, the Field Representative should recommend to the Commissioner the most practicable plan for providing suitable free public education under the provisions of

section 6. If the arrangement is to be made with a Federal department or agency for operation by that agency, a letter of proposal should be submitted by a local representative of that agency as provided below (see C-1 and E-1). The instructions for preparation and the form of the letter of proposal are attached to this bulletin as Exhibit A. Definitions of budget items are attached as Exhibit B.

B. Assistance in Preparing Letter of Proposal.--The Field Representative will, upon request, assist those concerned in developing the details of the letter of proposal for arrangements in accordance with the recommended plan. If the arrangements are to be made with a local educational agency or with a Federal agency contemplating that a local educational agency will provide the education, the Field Representative will outline the modified letter proposal required in such situations.

C. Submission of Letter of Proposal.

1. By a Federal agency.--The Commanding Officer of a military installation or the responsible local official of any Federal department or agency shall forward the original and two copies of the letter proposal through appropriate channels to his department or agency headquarters, and shall also forward two copies to the State educational agency with the request that the State educational agency forward one of these copies to the appropriate OOE-DSA Field Representative.

2. By a local educational agency.[1]--The authorized representative of the local educational agency will forward the original and two copies of the letter of proposal to the State educational agency and request that the original be sent to the Office of Education and a copy to the OOE-DSA Field Representative.

D. Date for Submitting Letter Proposals.[1]--Letter proposals should be received from the State educational agency or from the Federal agency headquarters by the U.S. Commissioner of Education on or before 12 midnight of March 15 preceding the opening of the school year for which the proposal is being made.

E. Comments on Letter Proposals.

1. By Federal agency headquarters.--The Federal agency headquarters will review the proposal, certify as to the accuracy of the facts presented, recommend approval or modification giving reasons therefor, and forward the original and one copy with the recommendation to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C. 20202, Attention: DSA.

2. Comments of State educational agency.--The State Educational Agency Representative is requested to confer with the OOE-DSA Field Representative and furnish him with the original and one copy of his comments on the proposal.

1/ Except for such section 6 proposals submitted by local educational agencies in the State of Pennsylvania, which will be submitted on the basis of special instructions supplied through the Pennsylvania State Department of Public Instruction.

3. Review and action by OOE-DSA Field Representative.1/--The OOE-DSA Field Representative will check the proposal to determine that all requested information has been submitted; obtain any information necessary to complete the proposal; make such on-site examination of the facts as is necessary; review the proposal after consultation with the appropriate State educational officer or his representative, and forward his recommendation with the original copy of the comments of the State educational agency to the Office of Education.

VII. NOTICE OF COMMISSIONER'S ACTION. The Commissioner, after his review of the letter of proposal, will notify the responsible Federal official or the local educational agency of his action respecting the arrangements to be made and the amount of Federal funds approved for the year's operating budget. Upon receipt of such notice the agency may take appropriate action to carry out the arrangements but should not incur any binding financial obligation prior to notification that the necessary funds have been appropriated and are available.

In those cases where the education is to be provided by a local educational agency, the Commissioner will enter into an agreement with the agency based on a letter of proposal submitted by the agency and the agreement will specify the terms and conditions on which the education is to be provided and the basis on which the Federal payment will be made. The Commissioner will prepare the agreement and send it to the local educational agency for signature.

VIII. RECORDS AND REPORTS REQUIRED BY THE COMMISSIONER. Where the arrangement is made with a Federal agency, the operating Federal agency will be required to keep pupil accounting records relating to attendance, membership, and residence similar to those prescribed by the State of location, or by the District of Columbia, whichever is applicable. The operating Federal agency will also be required to submit to the Commissioner at the end of each quarter of the fiscal year a report on membership, average daily attendance, and expenditures. The fourth such report will be the final report for the fiscal year. This final report and a final survey report by the OOE-DSA Field Representative will be the basis upon which final settlement will be made. Forms and instruction for quarterly reports will be forwarded to the agencies at the appropriate time.

Where the arrangement is made with a local educational agency, that agency will make reports to the Commissioner in an original and two copies and submit those reports on the forms and in the manner provided for in the operating agreement.

IX. POLICY AND PROCEDURE FOR MAKING ADJUSTMENTS IN APPROVED BUDGETS.

A. Policy in Those Cases Where Operation is by a Federal Operating Agency.

1. Decrease in ADA.--If the membership at the opening of the school year or at the end of the first or second quarterly reporting period of the year, is substantially below the estimate on which the approved budget was based, the Federal operating agency shall take appropriate steps to reduce current expenditures to the extent possible. A statement outlining the reduction in

1/ Except for such section 6 proposals submitted by local educational agencies in the State of Pennsylvania, which will be submitted on the basis of special instructions supplied through the Pennsylvania State Department of Public Instruction.

expenditures that have been made or that it is planned to make because of the reduced membership shall be submitted by the Federal operating agency to the Commissioner with its quarterly report. This statement will not be a revision of the letter proposal as such but the amount of the planned reduction in expenditures will be noted in official project records.

2. Procedure for requesting additional funds.--If as the result of new or changed conditions it is clear that the average daily attendance will increase above that estimated by the Commissioner sufficiently to justify additional funds for the year's operation, a revised letter proposal may be submitted by the Federal agency operating the school in the same manner as prescribed for initial letter proposals. The Commissioner will increase the approved budget by an amount considered to be necessary based on the increased ADA caused by the increased number of children.

B. Policy in Those Cases Where Operation is by a Local Educational Agency.

For those projects based on Agreements between the Commissioner and local educational agencies, procedures for modifications are outlined in the Agreement.

X. RELATED SAFA BULLETINS. The State educational agencies have been provided and will furnish, upon request, copies of the following bulletins:

SAFA Bulletin No. 17 (Revised).--This bulletin outlines the type of exceptional instances, recognized by the provisions of subsection 8(a), where it will be necessary for the Commissioner in carrying out his functions under P.L. 874, to utilize the services and facilities of other Federal departments and agencies and to pay for such utilization pursuant to proper agreement with such departments or agencies.

SAFA Bulletin No. 54 (Revised).--This bulletin (which principally applies to section 3 rather than section 6 situations) sets forth the policies under which payments will be made from P.L. 874 funds for transportation services for children residing on Federal property in unusual and complicated circumstances.

SAFA Bulletin No. 64.--This bulletin outlines the Property Management Program under sections 9 and 10 of P.L. 815 and under section 6 of P.L. 874.

XI. EXHIBITS.

A. Instructions and Form for Preparation of the Letter of Proposal.

B. Definitions of Budget Categories and Items Classifiable Thereunder.

C. Statement of Policy and Authority for Providing Free Public Education for Certain Children Not Residing on Federal Property under Subsection 6(b) of P.L. 874 (81st Cong.), as Amended.

D. Text of Section 6 of P.L. 874 (81st. Cong.), as Amended.

EXHIBIT A

INSTRUCTIONS AND FORM FOR PREPARATION OF THE LETTER OF PROPOSAL

1. INSTRUCTIONS FOR PREPARATION OF THE LETTER OF PROPOSAL.

a. Introduction. Section 6 of P.L. 874, as amended, authorizes the Commissioner of Education to approve from the annual P.L. 874 appropriation an amount of funds which should enable the agency with whom the arrangements are made to provide a program of free public education for the section 6 children, which to the maximum extent practicable, is comparable to the free public education provided for children in comparable communities in the same State, or in the District of Columbia where applicable. The Commissioner of Education, thus, approves the transfer of an amount of money based on costs per pupil for operating educational programs in comparable local educational agencies, which amount in his judgment will enable the operating agency to discharge its responsibility to insure that the free public education actually provided the children is of a standard, kind, and quality generally comparable to that provided children in comparable communities of the State. The agency submitting the letter of proposal should provide adequate information to substantiate the estimated average daily attendance of the children for whom free public education is to be provided and should carefully select the comparable local educational agencies in accordance with the provision of item 1c of this exhibit.

The amount of funds approved by the Commissioner for the year's operation insofar as practicable will not exceed the product of the estimated ADA multiplied by the adjusted per pupil cost based on the data submitted for comparable local educational agencies in tables 1 and 2 of the letter of proposal.1/

The approved per pupil cost will include an increase based on a percentage factor estimated by the State educational agency to be the average increase in the State average per pupil cost from the year to which the data pertains to the year to which the letter of proposal applies.2/ The final settlement after the completion of the school year will be based on the actual expenditures not to exceed the product of the approved average daily attendance and the approved per pupil cost.

b. Method of computing estimated membership and average daily attendance.3/ An accepted procedure for arriving at an estimated membership and average daily attendance follows. (For the purposes of the following computation, on-base housing units include on-base trailer spaces.)

(1) List latest actual count of on-base current membership as of certain date (give date) which should be no earlier than the end of the second quarterly reporting period of the current fiscal year.

1/ Data for comparable districts should be requested from the State educational agency rather than from individual districts to insure that these data are comparable in items covered and include only those items of expenditure which may be approved as current expenditures for a section 6 school operation.

2/ This estimated percentage increase in cost will be secured by the Office of Education on the basis of the best information obtainable at that time and made available to applicants by the first of February in the year the application is being prepared.

3/ Computed average daily attendance should be entered in line item 2, column 6, table 3, page 13.

(2) Subtract the estimated outgoing on-base graduating membership.

(3) Add the estimated incoming membership (kindergarten or first grade), based on survey, for membership in item (1).

(4) Determine estimated increase in membership due to planned or expected occupancy of present on-base unoccupied housing units and/or occupancy of additional on-base housing units scheduled to be completed and occupied between the date shown in item (1) above and the end of the first 90 days of the school year for which this application is made. This estimate should be determined as follows:

(a) The number of unoccupied housing units, as of the date given in item (1), which are expected to be occupied within 90 days after the beginning of the school year for which application is made, should be added to the number of additional housing units under construction that are to be completed and occupied between the above date and the end of the first 90 days of school.

(b) Determine the ratio of school children per housing unit by dividing the number of housing units actually occupied as of the date given in item (1) into the actual membership of on-base children as of the same date.

(c) Multiply the number of housing units obtained in (a) by the ratio factor determined in (b) to obtain an estimated increase in on-base membership. Add this to item (3) above.

(5) Determine by survey the on-base membership estimated to attend private or public schools in the grades for which arrangements are to be made and adjust total membership as indicated by findings.

(6) Determine the ratio of the average daily attendance to the active membership at the end of the second reporting period for the current year, and the ratio of the final average daily attendance to the end-of-the-year membership for the first and the second years preceding the year for which the application is being made. Multiply the total estimated membership as determined in items (4) and (5) above by the average of these ratios to obtain an estimated average daily attendance for the school year for which this application is being made. There may have been unusual factors or situations during these years such as epidemics or unusual changes in Federal programs which affected the average daily attendance for such years. If consideration was given to such factors in computing the estimated average daily attendance, give a full explanation.

(7) List for the current year and for the first and the second years preceding the year for which the application is being made the number of pupils in average daily attendance who did not reside on base. Also estimate the on-base average daily attendance of such pupils for the year for which application is being made and give the basis of such estimate.

c. Selection of comparable local educational agencies and completion of tables 1 and 2 of the Letter of Proposal. Letter proposals submitted by Federal agencies for operating schools on base must include all information called for in tables

1 and 2.1/ It will be necessary for such agency to submit data for comparable local educational agencies in order that the Commissioner may have information available upon which he can take appropriate action to provide adequate funds to such agency so that the education provided is, to the maximum extent practicable, comparable to free public education provided for children in comparable communities in the State. (In the case of education provided under this section outside the continental United States, Alaska, and Hawaii, the law specifies the District of Columbia as the comparable district.)

To assist the Commissioner in his determination of comparable districts, one of the local educational agencies submitted must be the local educational agency in which all or part of the Federal property where the children reside for which the letter of proposal is being submitted is located, or, if the Federal property is not located within a local educational agency, one of the local educational agencies contiguous to such Federal property. A second local educational agency submitted must be the local educational agency in which the capital city of the State is located. The Federal department or agency shall submit data for from one to three additional local educational agencies in the letter of proposal. If the per pupil cost of providing the education described in the letter of proposal exceeds the per pupil cost of the comparable local educational agencies submitted, adjusted to the current year, complete explanation and justification for such increased per pupil cost must be given.

A letter of proposal submitted by a local educational agency for operating a school on base and/or for providing free public education off base for children residing on Federal property should include data of its own school district in item 1a of both tables 1 and 2, and data requested in item 3 of table 1 and item 2b of table 2. (See pages 11 and 12.)

d. Preparation of table 3 showing proposed budget by major expenditure categories. Letter proposals submitted by Federal agencies which cover on-base and/or off-base education should include all data called for in table 3 for the on-base operation but only information called for in items 1 (total), 2, and 3 of table 3 (page 13) for the off-base operation.

Letter proposals submitted by local educational agencies for operating schools on base and/or for providing free public education off base for children residing on Federal property will provide only information called for in items 1 (total), 2 and 3 of table 3 for the proposed school year.

2. FORM OF THE LETTER PROPOSAL.

U.S. Commissioner of Education
Department of Health, Education,
and Welfare
Washington, D.C. 20202

Attention: DSA

Dear Sir:

(Par.) 1. (Introductory Statement.) The (Name and address of applicant), pursuant to the provisions of section 6, Public Law 874 (81st Cong.), as amended,

1/ Data for tables 1 and 2 should be requested from the State agency rather than from the comparable districts.

proposes that the Commissioner make such arrangements as may be necessary to carry out the following plan to provide free public education grade ____ through grade ____ for (estimated number and average daily attendance of elementary and high school pupils) residing on (name and location of the Federal property or properties) under the immediate jurisdiction of (name and address of the person or persons in charge of said property or properties) and for (number and average daily attendance of elementary and high school pupils) who do not reside on Federal property (if applicable).

(Par.) 2. (Reason for the Proposal.) (This paragraph may be omitted by installations operating section 6 schools coming within the purview of P.L. 204 (84th Cong.).1/) Free public educational facilities are not available to the above children due to the fact that--

a. No tax revenues of the State or any political subdivision thereof may be expended for free public education of such children (In support of this fact, attach copies of the appropriate law or legal opinion); or

b. No local educational agency is able to provide suitable free public education for such children. (This statement must be supported by documentary evidence that the local educational agency or agencies, by name, are unable financially or otherwise with the assistance available under the provisions of other sections of Public Laws 815 and/or 874 to provide suitable free public educational facilities.)

(Par.) 3. (Briefly describe the operation of the proposed educational program and explain the arrangements desired.)

(Par.) 4. (Give a statement concerning the number and grade distribution of elementary and high school pupils residing on Federal property (and number and grade distribution of those who do not reside on Federal property--if applicable) for whom the arrangements are to be made. Explain fully the basis for the estimated membership and average daily attendance.)

(Par.) 5. Submit data as called for in tables 1 and 2, which follow, on local educational agencies selected as comparable to the section 6 school as a basis for determination of the per pupil cost and data for the section 6 school.

1/ The last sentence of subsection 6(a)(2) gives the language of P.L. 204. (See page 21)

Table 1.--DATA FOR SCHOOL YEAR 19___ - 19___ FOR LOCAL EDUCATIONAL AGENCIES SELECTED BY FEDERAL AGENCY

ITEM	ADA 2/	TOTAL CURRENT EXPENSES	PPC (Col. 3 ÷ Col. 2)	PERCENTAGE OF TOTAL EXPENDITURES FOR 3/						
				Administration	Instruction	Auxiliary Services		Plant operation	Plant maintenance	Fixed charges
						Other	Transportation			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1. NAMES OF SCHOOL DISTRICTS AND COUNTY IN WHICH LOCATED: 1/										
a.										
b.										
c.										
d.										
e.										
2. AGGREGATE OF ABOVE LISTED DISTRICTS FOR COLS. 2 AND 3; QUOTIENT FOR COL. 4				XXX	XXX	XXX	XXX	XXX	XXX	XXX
3. SECTION 6 SCHOOL										

1/ The data submitted for purposes of the Commissioner's determination of comparable districts should be for the second year preceding the year for which the proposal is submitted. Two of the local educational agencies to be submitted are specified above; namely, the school district in which all or part of the Federal property is located (or a school district contiguous thereto if it is not in any district), and the school district in which the capital city of the State is located.

2/ Expenditures from current revenues, but excluding expenditures for the acquisition of land, the erection of facilities, interest, or debt service.

3/ The expenditures for each budget category divided by entry in col. 3. Carry division to nearest tenth of a percent. See Exhibit B for definitions of budget categories and items classifiable thereunder.

Table 2.--ADDITIONAL INFORMATION RELATED TO LOCAL EDUCATIONAL AGENCIES 1/

(TO BE COMPLETED IN FULL FOR THE LOCAL EDUCATIONAL AGENCIES LISTED IN TABLE 1 AND THE APPLICANT SECTION 6 SCHOOL)

ITEM	GRADE LEVELS MAIN-TAINED	% OF PUPILS TRANS-PORTED	PUPIL-TEACHER RATIO	SALARIES PAID			SUMMER SCHOOL			
				Highest	Lowest	Average of all teachers	Is maintained		Tuition is charged	
							Yes	No	Yes	No
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1. LOCAL EDUCATIONAL AGENCIES:										
a.										
b.										
c.										
d.										
e.										
2. SECTION 6 SCHOOL a. SCHOOL YEAR _____ 2/										
b. SCHOOL YEAR _____ 3/										

1/ Data for table 2 must be for the same school year as the data for table 1.

2/ Enter school year and data for such year of operation of section 6 school as the data for year of operation of the comparable local educational agencies entered above and in table 1.

3/ Enter school year and proposed data for operation of section 6 school for the school year for which letter proposal is submitted.

(Par.) 6. Submit actual and/or estimated expenditures for the school years as specified in table 3 below. If proposal is for part of a school year, give beginning and ending dates.

Table 3.--BUDGET BY MAJOR EXPENDITURE CATEGORIES

ITEM	TOTAL CURRENT EXPENDITURES (Insert applicable school years)					
	Preceding school year 19 to 19		Current school year 19 to 19		Proposed school year 19 to 19	
	Actual amount	% of total budget	Approved amount	% of total budget	Estimated amount	% of total budget
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. MAJOR EXPENDITURE CATEGORIES:						
A. Administration (General control)..						
B. Instruction.....						
C. Auxiliary services (Other).....						
D. Auxiliary services (Transportation)						
E. Operation of plant.....						
F. Maintenance of school plant (Repairs and replacements)						
G. Fixed charges allotted to pupil costs						
TOTAL AMOUNT REQUESTED FOR M&O 1/		100		100	1/	100
2. TOTAL ADA 2/		XXX		XXX	2/	XXX
3. PPC (Item 1 - Item 2 for Cols. 2 and 4) 3/		XXX		XXX	3/	XXX

1/ Total of budget items A-G, inclusive, in col. 6 should not exceed the amount obtained by multiplying the estimated ADA in item 2, col. 6, by the requested PPC in item 3, col. 6. (See calculation of PPC below.)

2/ See Exhibit A, item 1b(6) for method of estimating ADA in col. 6.

3/ The requested PPC should not exceed the PPC of the districts selected for the school year (see table 1, item 2, col. 4), increased by the same percentages as the estimated percent of increase in the State average PPC from the school year for which the PPC was calculated for the districts listed in table 1 to the school year for which funds are requested.

CALCULATION OF PPC:

1. PPC of school districts selected (Table 1, line 2, col. 4)..... $_____

2. Percent of increase in State PPC..... _____%

3. Increase in PPC (line 2 x total line 1)..... $_____

4. Maximum PPC (Total line 1 plus line 3)..... $_____

(If requested PPC exceeds the maximum, give complete justification.)

(Par.) 7. The requested per pupil cost will provide for the afore-mentioned children educational supervision, instruction, curriculum, auxiliary and transportation services, and operation and maintenance of plant which, to the maximum extent practicable, will ensure the provision of free public education comparable to that provided for children in comparable communities of the State, and no tuition charge will be made.

(Par.) 8. It is requested that favorable consideration be given to the proposed plan and that the arrangement make available the total amount of $_____ to the (name of applicant) for the purpose of providing free public education for the fiscal year 196___ to 196___, in accordance with the proposed plan.

(Par.) 9. I, (the applicant), (or the duly authorized representative of the applicant), do hereby certify that all the facts, figures and representations made in this letter proposal and any attachments hereto, which are hereby made part of this request, are true and correct to the best of my knowledge and belief.

(Par.) 10. In witness whereof the applicant has caused this proposal to be duly executed by its undersigned officer and has caused its official seal to be hereunto affixed on this _____ day of _____, 196____.

Signed _____
(Official name of Federal agency or local educational agency)

By _____
(Name of authorized official)

_____
(Title of authorized official)

EXHIBIT B

DEFINITIONS OF BUDGET CATEGORIES AND ITEMS CLASSIFIABLE THEREUNDER

These definitions have been adapted from the Office of Education Handbook 11, Financial Accounting for State and Local School Systems, for the guidance of the Section 6 school officials primarily. The definitions are also intended as a guide to State Departments of Education in providing information on "comparable districts" expenditures for purposes of Table 1 of Exhibit A.

(The items below are lettered according to line items of Table 3 and numbered according to columns 5 through 11 of Table 1 of the Letter of Proposal)

A. ADMINISTRATION (5)

General control. Administration expenditures include those for the central office staff for the functions of general control which are system-wide and not confined to one building, subject, or narrow phase of school service. The expenditures for the administration of a high school building by the principal or the teaching of music throughout the system by a supervisor are expenditures for instruction. In other words, the administration of a single phase of any major budget category is an expenditure of that category.

Salaries and per diem.

Administrative. Record salaries of the superintendent, deputy and assistant superintendents, directors and other general educational and business administration officers who perform administrative work as distinguished from clerical.

Clerical. Record salaries or wages paid to clerks, stenographers, office assistants, telephone and switchboard operators, et al., who assist the administrative personnel.

General and educational administration. Include expenditures for educational administration by the superintendent and associate, deputy, or assistant superintendent, or personnel division, school census, and all expenditures for the enforcement of compulsory attendance. Exclude regular routine test and measurement work not conducted as part of a special evaluation survey for administrative purposes.

Business administration. Include expenditures for finance and accounting offices, purchase and supply offices, buildings and ground offices, and expenditures for any other business functions of the school district.

Supplies and other expenses. Record expenditures for travel and local transportation and for supplies and materials used for administration, as well as freight and cartage thereon, if separate accounts are kept. The usual supplies are ink, pencils, paper, carbon paper, and other materials which when once used are actually consumed, or which do not last more than 5 years.

B. INSTRUCTION (6)

All direct and personal services dealing directly with or aiding in the teaching of students or improving the quality of teaching should be included in the instruction account under teaching and other instructional service on a prorated basis if such is the case. Therefore, in addition to the supervisors, principals and their assistants, and the classroom teaching staff, include as "other instructional staff" the psychological and testing service personnel, study hall teachers, auditorium teachers, counselors, librarians, et al. Department heads will usually be either supervisors or teachers or both. Where teachers or other instructional

staff members are assigned administrative duties usually performed by the principal or his staff and are given time off from teaching and/or extra pay for these duties, the prorated expense should be shown in the account for the principal and his staff and only the expense for teaching in the account for teachers.

Record expenditures for those groups of activities concerned directly with teaching or aiding the teaching of children or improving the quality of teaching. These are the activities of the supervisor, principal, and teachers and of the other instructional staff.

Salaries. Record the salaries of supervisors, principals, teachers, librarians, visiting teachers and nurses who are doing pupil adjustment and health work, secretaries, clerks, stenographers to the instructional staff, and all other employees who devote at least half of their time to instructional activities or whose services are prorated. When recording salaries of instructional staff, include amounts deducted from salaries for payments to retirement funds.

Supervisors. Record salaries of persons who are employed for at least half their time in the supervision of instruction, such as general supervisors (elementary and secondary) and supervisors of subjects, such as mathematics, history, manual arts, home economics, music, drawing, etc. (Supervisors who give more than half their time to teaching should be reported as teachers or their salaries should be prorated. If supervisors divide their time between elementary and secondary schools, the cost of such service should either be prorated on the basis of the time given to each school or charged to the organization to which the major portion of time is devoted.) All supervision of compulsory attendance enforcement is to be classified under General Administration.

Teachers. Record the salaries of all persons engaged more than half time in classroom instruction or prorate on basis of actual time spent in teaching.

Other instructional staff. Record salaries of librarians, study hall keepers, and visiting teachers (except where such are in reality only compulsory attendance officers and are classified under administration).

Principals or teaching principals. Record salaries of persons in charge of schools, such as principals or vice-principals of elementary schools, secondary schools, vocational schools, etc., who devote at least half their time to the supervision of instruction. (If principals divide their time between elementary and secondary schools, the cost of such service should either be prorated on the basis of the time given to each service or school or charged to the organization to which the major portion of time is devoted. Head teachers, sometimes called principals or teaching principals, who teach more than half time should be reported as teachers or their salaries should be prorated.)

In an administrative unit where the chief executive of the board of education is called the principal, record his salary under administration (not under instruction) if he devotes at least half of his time to administrative duties, or prorate his salary between administration as a superintendent and instruction as a principal.

Clerical assistants. Record salaries and wages of clerical assistants assigned to supervisors, principals, teachers, and other instructional staff.

Textbooks. Record only the cost of books furnished free to all pupils in the school or certain grades. The expenditures for textbooks furnished free to indigent pupils **only** should be reported under auxiliary school services.

Library books. Include all regular annual or incidental purchases of books for the school library.

Teaching supplies. Include supplies used by pupils or by instructional staff in the instructional program.

Other supplies and expenses. Record expenditures for diplomas, commencement exercises, assembly speakers, etc., and materials and expenses connected with school libraries excluding school library books and salaries.

C. AUXILIARY SERVICES (OTHER) (7)

Health. Include expenditures for medical and nurse service in the nature of inspection, treatment, weighing, etc., which is not direct instruction. The administration of these services should also be included here. All costs for physical education or health instruction, including physical examinations, tests, and weighing, considered a part of the instructional programs, should be charged to instruction.

School lunch. Include under this item only expenditures paid directly from section 6 funds for the salary of the cafeteria manager and for cost of utilities used.

Other. Other school services to be included here are the relatively small payments for providing textbooks, shoes, rubbers, glasses, etc., to indigent pupils (if such are not provided free to all pupils), direct expenditures for extra-curricular activities for school pupils, etc., if paid from school funds.

D. AUXILIARY SERVICES (TRANSPORTATION) (8)

Include expenditures for transportation furnished by publicly owned or maintained systems and by contract. This should include expenditures for administration, operation (salaries of drivers, gas, oil, etc.), maintenance (repairs and replacements), contracts for bus service, payments to persons in lieu of transportation (such as payments for board and room in town), all insurance incidental to transportation, etc.

E. OPERATION OF PLANT (9)

The operation account deals with expenditures involved in keeping the physical plant open and in use.

Include all work (except repairs) which is repeated somewhat regularly daily, weekly, monthly, or seasonally--that is, all housekeeping expenditures. Include for salaries and wages items such as the following: salaries of custodians, custodians' helpers, engineers, firemen, matrons, watchmen, et al.; for fuel, include coal, gas, fuel oil, and wood including freight, drayage, and labor involved in securing same; for supplies, include brooms, mops, sweeping compounds, soap, dusters, electric fuses, electric light bulbs, paper cups, towels, toilet and other custodial supplies which in general are not expected to last more than 5 years. Under other expenses, include the cost of caring for lawns and shrubbery, flags for outside buildings, freight, express drayage, laundry, etc., where they cannot be charged to the activity for which they were incurred. (Upkeep repairs and replacements should be reported as Maintenance.)

F. MAINTENANCE (REPAIRS) OF SCHOOL PLANT (10)

Include all expenditures made for repairs for the restoration of any piece of property (including grounds, buildings, and equipment to its original condition of completeness or efficiency). Exclude expenditures for major improvements in or additions to grounds in the nature of permanent equipment, and expenditures for major improvements in or additions to buildings which increase the value of the plant.

Since a separate account is carried for transportation, record maintenance of transportation equipment as an item under that account.

Building and mechanical equipment. Include resurfacing of floors, painting, replacing broken windows, etc., and all repairs to mechanical equipment, such as plumbing, heating, lighting, ventilating, and repairs to pipe lines, pipe line tunnels, etc., between buildings, and repairs to service systems such as central heating plants.

Grounds. Regrading of sites, reseeding of lawns, replacement of shrubs, repair of walks and fences, etc., are items which should be charged to upkeep of grounds.

Educational equipment and furniture. In general this includes all repairs, replacements and additions to existing movable equipment (not built into the building), desks, chairs, typewriters, and all special equipment for commercial, agricultural, home economics, trade subjects and the like.

G. FIXED CHARGES ALLOCATED TO PUPIL COST (11)

Fixed charges are expenditures of a generally recurrent nature which are not readily allocable to other expenditure accounts.

Retirement funds. Record in this item payments made by administrative units from current funds to retirement funds. Exclude amounts deducted from teachers' salaries, as these deductions are reported as part of the salary item under Instruction.

Insurance. Record expenditures for insurance premiums for employees and for bond fidelity. Expenditures for insurance covering the transportation of pupils may be entered here only if it is entered in a separate account.

Compensation. All payments of premiums for workmen's compensation, contributions to a State fund, or direct payments to injured employees should be entered here.

Sickness allowances. These allowances take two forms, either direct payments to the person who is sick or payments to a substitute for the person who is sick. All payments on account of sickness over and above normal salary costs should be charged to this sickness account.

Judgments or payments in lieu of them. In accident cases involving negligence there may be judgments against the board of education. Some school systems, in order to avoid court cases, pay medical and hospital bills or make direct settlements. These payments should be recorded in the same account with judgments.

Rent. Record all rent paid for use of property necessary for school purposes except those in the nature of installment payments on equipment which will ultimately become the property of the schools.

EXHIBIT C

STATEMENT OF POLICY AND AUTHORITY FOR PROVIDING FREE PUBLIC EDUCATION FOR CERTAIN CHILDREN NOT RESIDING ON FEDERAL PROPERTY UNDER SUBSECTION 6(b) OF P.L. 874 (81st CONG.), AS AMENDED

A. AUTHORITY TO MAKE ARRANGEMENTS. Under subsection 6(b) arrangements may be made to provide free public education in facilities situated on Federal property for children residing in any area adjacent to such property with a parent who, during some portion of the fiscal year in which such education is provided, was employed on such property under the following conditions:

1. The Commissioner must have made arrangements under subsection 6(a) for children residing on Federal property;

2. The provision of such education is appropriate to carry out the purposes of the Act;

3. No local educational agency is able to provide suitable free public education for such children; and

4. The local educational agency of the school district in which such children reside, or the State educational agency, will make reasonable tuition payments for the education of such children if the need for such education will not be temporary in duration. Such payments may be made directly to the Commissioner or by deductions from amounts to which the local educational agency is entitled under the Act or both as may be agreed upon between such agency and the Commissioner. Any amounts paid to the Commissioner by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

B. POLICY TO BE FOLLOWED. The following policy shall be followed in implementing subsection 6(b) of Public Law 874, as amended, where arrangements for the provision of free public education in facilities situated on Federal property for children residing in areas adjacent to such property with a parent who, during some portion of the fiscal year in which such education is provided, was employed on such property when the provision of such education for such off-base children is temporary in duration:

1. Where a member of the Armed Forces is transferred and his family moves from on-base housing to off-base housing in an area adjacent to the Federal property, his children shall be permitted to continue in attendance at the section 6 on-base school for the remainder of the fiscal year provided they continue to reside in an adjacent area.[1/]

2. Where a member of the Armed Forces is assigned to an installation on which there is a section 6 school and is assigned on-base family housing which is expected to be available for occupancy and to be occupied within ninety (90) days from the beginning of the school term, his children may be permitted to attend the on-base school while residing in an area adjacent to such Federal property for the portion of the ninety-day period as required by such residence.[1/]

1/ The Federal agency shall make written findings of pertinent facts with respect to each child admitted under paragraphs 1 and 2 in addition to the pupil accounting records specified in item VIII of this bulletin.

3. The attendance of children not residing on Federal property at a section 6 school in facilities situated on Federal property in circumstances other than (a) those covered by the stated policies of the Commissioner such as those described in the preceding two paragraphs, or (b) those in accordance with the provisions of subsection 6(b) requiring consultation with the appropriate State educational agency and the payment of reasonable tuition, or (c) those to which the second sentence of subsection 6(a) applies, is in violation of the provisions of section 6. Any such violation of the provisions of section 6 of Public Law 874, as amended, through the attendance of ineligible children at section 6 on-base schools will: (a) be reported by the Commissioner of Education in a formal communication to the head of the Federal department or agency administering the Federal property with whom the arrangements were made pursuant to subsection 6(d) for appropriate action; and (b) the attendance of such children may be disallowed in final settlement between the Commissioner and the agency providing the free public education under the provisions of section 6 in facilities situated on Federal property by a proportionate reduction of the total cost of such operation determined by taking the total expenditures of such school for such fiscal year and dividing same by the total average daily attendance, then multiplying this quotient (Per Pupil Cost) by the average daily attendance of such ineligible average daily attendance. The communication to the Federal department or agency administering the Federal property in explaining the action taken under (a) and (b) of the preceding sentence shall give the circumstances of the violation including appropriate legal citations.

EXHIBIT D

SECTION 6 OF P.L. 874 (81st CONG.), AS AMENDED

(Quoted in full with all amendments to date of issuance of this revised SAFA Bulletin No. 12)

CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

Sec. 6(a) In the case of children who reside on Federal property--

(1) If no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

(2) If it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make such arrangements (other than arrangements with respect to the acquisition of land, the erection of facilities, interest, or debt service) as may be necessary to provide free public education for such children. Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local government authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children. To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency with which any arrangement is made under this section shall take such action as may be necessary to ensure that the education provided pursuant to such arrangement is comparable to free public education provided for children in comparable communities in the State, or, in the case of education provided under this section outside the continental United States, Alaska, and Hawaii, comparable to free public education provided for children in the District of Columbia. For the purpose of providing such comparable education, personnel may be employed without regard to the civil service or classification laws. In any case where education was being provided on January 1, 1955, or thereafter under an arrangement made under this subsection for children residing on an Army, Navy (including Marine Corps), or Air Force installation, it shall be presumed, for the purposes of this subsection, that no local educational agency is able to provide suitable free public education for the children residing on such installation, until the Commissioner and the Secretary of the military department concerned jointly determine, after consultation with the appropriate State educational agency, that a local educational agency is able to do so.

(b) In any case in which the Commissioner makes such arrangements for the provision of free public education in facilities situated on Federal property, he may also make arrangements for providing free public education in such facilities for children residing in any area adjacent to such property with a parent who during some portion of the fiscal year in which such education is provided, was employed on such property, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this Act, (2) that no local educational

agency is able to provide suitable free public education for such children, and (3) in any case where in the judgment of the Commissioner the need for the provision of such education will not be temporary in duration, that the local educational agency of the school district in which such children reside, or the State educational agency, or both, will make reasonable tuition payments to the Commissioner for the education of such children. Such payments may be made either directly or through deductions from amounts to which the local educational agency is entitled under this Act, or both, as may be agreed upon between such agency and the Commissioner. Any amounts paid to the Commissioner by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

(c) In any case in which the Commissioner makes arrangements under this section for the provision of free public education in facilities situated on Federal property in Puerto Rico, Wake Island, Guam, or the Virgin Islands, he may also make arrangements for providing free public education in such facilities for children residing with a parent employed by the United States, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this Act, and (2) that no local educational agency is able to provide suitable free public education for such children.

(d) The Commissioner may make an arrangement under this section only with a local educational agency or with the head of a Federal department or agency administering Federal property on which children reside who are to be provided education pursuant to such arrangement or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children. Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements may be made under this section only for the provision of education in facilities of a local educational agency or in facilities situated on Federal property.

(e) To the maximum extent practicable, the Commissioner shall limit the total payments made pursuant to any such arrangement for educating children within the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the per pupil cost of free public education provided for children in comparable communities in the State. The Commissioner shall limit the total payments made pursuant to any such arrangement for educating children outside the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the amount he determines to be necessary to provide education comparable to the free public education provided for children in the District of Columbia.

(f) In the administration of this section, the Commissioner shall not exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system.

Project No. _____
Date: _____

ioner of Education
ent of Health, Education and Welfare
ton, D.C. 20202

r:

ce is made to pupil and fiscal data with respect to the operation of this
6, Public Law 874, project for fiscal year 1965.

roval for fiscal year 1965 was based on the following data:

Approved ADA . . . . . _____
Approved PPC . . . . . $_____
Total Approved Budget . . . . . $_____

f the end of the _____quarter of fiscal year 1965 the following data
submitted:

Membership by grades:

K_____1_____2_____3_____4_____5_____6_____7_____8_____

9_____10_____11_____12_____Special_____ Total _____

Total Days of Attendance . . . . . _____
Number of days school has been in session . . . . . _____
ADA ("b" ÷ "c") . . . . . _____
ADA currently estimated for the year . . . . . _____
Total days of school session to be provided . . . . . _____

l expenditures and obligations to date . . . . . $_____

he applicant, or the duly authorized representative of the applicant, do hereby
that all facts and representations which are hereby made part of this report
e and correct to the best of my knowledge and belief.

tions:

If the ADA currently estimated for the year varies significantly from the ADA as of this reporting date and/or from the approved ADA on which the approved budget was based, please explain in attachment.

If the ADA is materially lower than the approved ADA, outline in attachment any savings which are to be made.

For the sake of convenience, the quarter may be considered to coincide with the closest reporting period of the installation's school system.

If data is recorded in Item 2(a) "Special" above, explain by attachment.

Reports are to be submitted through the Federal Agency as soon as practicable following the end of the reporting period.

ended for Approval by:

_____
ting Federal Agency)

_____
Fiscal Official)

Signed: _____
(Authorized Official of Installation)

Title: _____

Date: _____

SAFA Form [illegible]

APPENDIX VIII

APPENDIX IX

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office of Education
Washington 25, D.C.

CHOOL ASSISTANCE IN
EDERALLY AFFECTED AREAS | BULLETIN NO. 7 (REVISED) | SEPTEMBER 15, 1958

O: State Representatives for School Assistance in Federally Affected Areas

Federal Agencies Requesting Facilities under Section 10

Field Representatives, OE, School Assistance Program

ROM: Rall I. Grigsby, Director, Division of School Assistance in Federally Affected Areas Rall I. Grigsby

UBJECT: Provision of School Facilities for Children Who Reside on Federal Property, Pursuant to Section 10, Title I, of Public Law 815, as Amended.

. PURPOSE.

The purpose of this bulletin is to inform State and Federal officials of the provisions of Section 10 of the Act and to set forth policies and procedures to be followed in making application under that section. (This supersedes SAFA Bulletin No. 7 and all previous revisions the last of which was dated September 13, 1957.)

II. AUTHORITY FOR CONSTRUCTING SCHOOL FACILITIES ON FEDERAL PROPERTY FOR CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION.

Section 10 reads as follows: "In the case of children who it is estimated by the Commissioner in any fiscal year will reside on Federal property at the end of the next fiscal year-

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make arrangements for constructing or otherwise providing the minimum school facilities necessary for the education of such children. To the maximum extent practicable school facilities provided under this section shall be comparable to minimum school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending federally operated Indian schools. Whenever it is necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, the membership of such children may not be included in computing under section 5 the maximum on the total of the payments for any local educational agency."

III. POLICIES GOVERNING SECTION 10 APPLICATIONS.

The history of P.L. 815, as amended, indicates that it was the intent of Congress that wherever possible free public education for children living on Federal property should be provided by the regularly constituted State and local educational agencies. However, it was recognized that in a few instances no State or local educational agency would be able to provide free public education for pupils living on certain Federal property. Accordingly, the Commissioner was authorized by section 10 to provide school facilities in such unusual situations.

It will be the policy of the Commissioner of Education to provide school facilities under section 10 when the following conditions have been met:

A. It has jointly been determined by representatives of the State, local, and Federal agencies concerned that, in order to serve effectively the pupils living on Federal property, the school building should be located on Federal property;

B. That the Federal agency is unable, or it is not in the public interest, to transfer ownership of, or convey a sufficient leasehold interest in, a suitable school site to a local educational agency to permit the local educational agency to construct a school building, and consequently no local educational agency is able to provide suitable free public education for such pupils; and,

C. That, under State law, State and local funds cannot be expended for the construction of school facilities on Federal property.

If school facilities for pupils residing on Federal property are to be constructed on a site owned or leased by the local educational agency, it is considered highly desirable that wherever possible they be provided by the local educational agency through use of funds provided under section 5 and from other sources. Under these circumstances title to the school facilities would be in the local educational agency. Where funds available to the local educational agency from such sources are insufficient to provide the required facilities, allotment of additional funds under authority of section 8 will be considered. If, however, State or local funds cannot legally be expended for construction on locally owned or leased property of school facilities for pupils living on Federal property, or if it is demonstrated that no local educational agency is able, even with the assistance under the Act, to provide the required facilities, the Commissioner may provide the necessary facilities under section 10.

The request for school facilities which the Commissioner may provide under section 10 should be made by the official in control of the Federal property. It should not be submitted until: (1) it has jointly been determined by representatives of the State, local, and Federal agencies concerned that the school facilities should be located on Federal property, (2) it has jointly been determined by such agencies that the school site is adequate for school purposes.

The operation of the school program in facilities provided under section 10 should, whenever possible, be conducted by the appropriate local educational agency. In instances where the State law prohibits the use of State and local tax funds for the operation of a school program for pupils residing on and attending school on Federal property, the school program will be operated by the Federal Government.

IV. PROCEDURES FOR REQUESTING SCHOOL FACILITIES UNDER SECTION 10.

A. The request or application for school facilities should be addressed to the U.S. Commissioner of Education, prepared in an original and six copies. The original and five copies should be submitted through the State educational agency for its review and recommendations. (See paragraph B of section VI, below.) After reviewing the application and preparing recommendations relative to it, the State educational agency should retain one copy and transmit the original and two copies to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, Washington 25, D.C. The remaining two copies are to be transmitted to the appropriate Field Representative of the Office of Education, who will transmit one copy to the Field Office of the Community Facilities Administration. The application thus filed through the State educational agency shall be the official application. If other copies of the application are necessary for clearance through the headquarters of the Federal agency submitting the application, additional copies in excess of the number specified above should be prepared and routed through channels prescribed by the particular agency involved.

B. The request for school facilities should contain the following:

1. Name of the agency which will operate the school program.

2. Describe the exact site on which the requested project is to be constructed. The description should show:

a. The accessibility of the site to the residences of pupils.
b. The number of acres.
c. A plot plan of site attached to application.
d. The legal description by metes and bounds. This information is required before the project can be approved for construction.

3. Pupil data:

a. Number of pupils by grade who reside on and are now attending school on Federal property.
b. Estimated number of pupils who will reside on and will be attending school on Federal property by the end of the next fiscal year1/.
c. Justify any estimated increase.

4. Family housing units:

a. Number of occupied family housing units now on base.
b. Number of unoccupied housing units now on base.
c. Number of programmed housing units on base to be completed by the end of the next fiscal year1/.
d. If trailer units or other temporary housing units are included in a, b, or c, list separately with complete details.

5. Existing school facilities:

a. List by name all buildings used for school purposes. Identify by project number any buildings constructed under P.L. 815.
b. Describe each building, giving number and types of rooms and the pupil capacity.
c. Describe the condition of each building used for school purposes, which is considered unsafe or otherwise unusable.

6. State the estimated number of pupils for whom additional school facilities are needed by the end of the next fiscal year1/.

7. Describe the proposed school facilities as follows:

a. New school building: Indicate the grades to be accommodated, the number of classrooms, and auxiliary rooms, such as, administration units, multi-purpose room, kitchen, toilets, boiler room, storage, etc.

b. Addition to existing school building: Number and type of rooms to be added to existing school building, capacity of existing building, and capacity and grades to be accommodated in the added facilities. Give name of existing building (and the project number if constructed under P.L. 815).

8. Narrative justifications from applicant.

Attach to the application the comments indicated below and other information considered pertinent in justifying the request for school facilities.

a. Statement and comments from the representative of the local educational agency which will operate the school regarding the requested school facilities. (Omit this statement if school program is operated by Federal Government.)

b. Reasons why the State or local educational agency is unable to provide school facilities for pupils residing on Federal property.

CONSTRUCTION UNDER SECTION 10.

When the determination is made by the Commissioner that section 10 shall be utilized, will make arrangements for the provision of the necessary minimum school facilities.

In making such arrangements, the Commissioner will consider recommendations of the cal and State educational authorities, the Field Representative of the Office of Education,

1/ Estimates are to be made for the end of the next fiscal year succeeding the fiscal year in which the application is made. Give month and year of the next fiscal year.

and the Housing and Home Finance Agency, as well as the Federal agency making the application. The facilities provided under this section will be restricted to the minimum educational facilities necessary for the number of pupils who will be in membership by the end of the next fiscal year, for whom no school facilities exist.

VI. FUNCTIONS OF AGENCIES.

A. Function of the local educational agency.--In those cases where the school program is to be operated on Federal property by a local educational agency, that agency is requested to submit comments on the request for school facilities to the Commissioner of Education.

B. Function of State educational agency.--The State educational agency is requested to review the application for school facilities made under section 10 and to submit comments and recommendations to the Commissioner on the following:

1. Reasons why the State or local educational agency cannot provide the facilities for the pupils living on the Federal property.

2. Desirability of the proposal for providing the needed school facilities.

3. Whether or not, under existing circumstances, the proposed facilities are acceptable under State standards. (H&HFA will ask State approval of final plans and specifications.)

4. Whether the proposed facilities are to the maximum practicable extent comparable to school facilities provided for pupils in comparable communities in the State.

C. Functions of Housing and Home Finance Agency.--Pursuant to the provisions of P.L. 815 the Commissioner of Education has entered into agreement with the Housing and Home Finance Agency for the performance of certain functions in connection with the construction of facilities provided under section 10 of the Act. Where it is necessary to provide school facilities under section 10, the Commissioner will request the Housing and Home Finance Agency to:

1. Furnish the Commissioner of Education an estimate of the cost of the project to be constructed.

2. Enter into architectural contracts for preparation of plans and specifications after the estimated cost has been approved by the Commissioner of Education.

3. Secure permits for access and right of entry to project site.

4. Proceed with the construction of facilities after approval of final plans and specifications by Field Representative for the Office of Education.

D. Functions of the Field Representative of the Office of Education.

1. Submit recommendations to Director of Field Operations on need for school facilities.

2. Approve or disapprove school site for educational adequacy.

3. Review the final plans and specifications for educational adequacy and notify H&HFA in writing of approval or disapproval.

4. Review the equipment lists for minimum requirements and notify H&HFA in writing of approval or disapproval.

E. Function of administrative headquarters of the Federal agency submitting the application.--The appropriate official of the Federal agency in Washington having jurisdiction over the Federal property involved in the application will be required to submit to the Commissioner of Education a statement of approval (or endorsement) before an application under section 10 will be processed. In addition, such agency will be requested at the appropriate time to furnish to the Commissioner of Education verification of programmed housing.

-oOo-

BIBLIOGRAPHY

Documents

U. S., Congress, House, Committee on Education and Labor, Hearings, Emergency Educational Aid for Government Reservations, 80th Cong., Vol. I, 1947, pp. 81-82.

U. S., Congress, Senate, Subcommittee of the Committee on Labor and Public Welfare, Hearings, Federal Assistance for Construction of Public Schools (S.137; S.287; S.1670; and S.1699), 81st Cong., 1st Sess., 1949, pp. 405.

U. S., Congress, House, Special Investigating Subcommittee of the Committee on Education and Labor, Hearings, Federal Assistance for Educating Children in Localities Affected by Federal Activities (H.R.4115) 81st Cong., 1st Sess., 1950, Part I, pp. 1457-2381.

U. S., Congress, House, Special Investigating Subcommittee of the Committee on Education and Labor, Report on Federal Assistance for Educating Children in Localities Affected by Federal Activities, (H.R.4115) 81st Cong., 2nd Sess., 1950, pp. 149.

U. S. Federal Security Agency, Office of Education, Administration of Public Laws 874 and 815. Fifteenth Annual Report of the Commissioner of Education, 1965, pp. 222.

Books

Allen, Hollis P. The Federal Government and Education. New York: McGraw-Hill Company, Inc., pp. 333.

Babbidge, Homer D. Jr., and Rosenzweig, Robert M. The Federal Interest in Higher Education. New York, San Francisco, Toronto, London: McGraw-Hill Book Co., Inc., 1962. pp. 214.

Blauch, Floyd E. and Iversen, William L. Education of Children on Federal Reservations. Staff Study Number 17. Washington: United States Government Printing Office, 1939. pp. 145.

Conant, James Bryant. The American High School Today. New York: McGraw-Hill Book Co., Inc., 1959.

Eby, Frederick. The Development of Modern Education. New Jersey: Prentice Hall, Inc., 1952. pp. 719.

Edgington, Orman Russel. A Study of Public Law 815 and Its Administration in Ohio, 1950 Through 1956. Unpublished Doctor's thesis, School of Education, Ohio State University, 1960. pp. 223.

Hales, Dawson W. Federal Control of Public Education. Bureau Publications, Teachers College, Columbia University, 1954. pp. 144.

Harris, L. R. A Study of Federal Assistance to Federally Affected Schools with Special Attention to the State of Virginia. Unpublished D.Ed. dissertation, Graduate School of Education, University of Virginia, 1953. pp. 220.

Information Please Almanac, Atlas and Yearbook, 1966. Planned and supervised by Dan Golenpail Associates. New York: Simon and Schuster, 1966.

Johnson, Julian E. Federal Aid for Education. New York: H. W. Wilson Co., 1941. pp. 286.

Kershaw, Joseph A. and McKean, Roland N. Teacher Shortages and Salary Schedules. New York: McGraw-Hill Book Co., Inc., 1962.

Labovitz, I. M. Aid for Federally Affected Public Schools. New York: Syracuse University Press, 1963. pp. 205.

King, Robert Partner. Bureaucratic Administration and Teacher Freedom. Submitted in partial fulfillment of the requirements for Doctor of Education in School of Education, Indiana University, January 1964.

Marke, David Taylor. Educational Law. New York: Oceana Publications, 1949. pp. 96.

Morlan, P. E., Reusser, W. C., andPolley, J. W. Public School Finance. New York: McGraw-Hill Company, Inc., 1960. pp. 512.

Quattlebaum, Charles A. Federal Educational Activities and Educational Issues Before Congress. Vols. I and II, 1951, pp. 135; Vol. II, Pt 3, "Survey of Federal Educational Activities," 1951, pp. 228; Vol. III, Pt. 4, "Analysis and Classification of the Programs," 1952, pp. 210. Prepared for the use of the House Committee on Education and Labor. 82nd Cong., 1st Sess. Washington: Government Printing Office.

Rosenstengel, W. E., and Eastmond, J. E. School Finance. New York: The Ronald Press Company, 1957. pp. 442.

Simmons, William. An Appraisal of Federal Assistance for Educating Children in Localities Affected by Federal Activities: Public Law 815 and Public Law 874. Unpublished Doctor of Education dissertation, Graduate Division, Wayne State University, Detroit, Michigan, 1961. pp. 414.

Articles

Allen, Hollis P. and Deisenroth, Carl E. "Federal Government and Education," Review of Educational Research, XXII (October 1952), 366-374.

Brandes, Louis G. "Federal Financial Assistance under Public Law 874," American School Board Journal, CXXV (November, 1952), 35-38.

Davis, L. R. "What Do School Officials Think of Public Law 874?" American School Board Journal, CXXVII (August, 1953), 44, 60.

Keene, James W. "Quantico High School Considered as a Small High School," an unpublished term paper, Extension Division, University of Virginia, Quantico, Virginia, January 14, 1965.

Lillywhite, B. Alden. "Federal Assistance for Schools Under Public Law 815," School Life, XXXVII (November, 1954), 24-26, 30.

Lillywhite, B. Alden. "Federal Assistance for Schools Under Public Law 874." School Life, XXXVIII (December, 1954), 38-39, 47.

McGrath, Earl J. "Education and National Defense," School Life 33: 18-23, November, 1950.

Polete, Sergeant Harry. "Post of the Corps: Camp Lejeune," The Leatherneck, XXXI (September, 1948), 26-31.

Sarolin, Master Sergeant. "Post of the Corps: MCAAS, Beaufort," The Leatherneck, XLI (May, 1958), 16-23, 83.

Other Sources

Letter From F. H. Bomar, Director of Finance, Department of Education, Columbia, South Carolina, to U. S. Commissioner of Education, October 4, 1961.

Letter from John I. Cameron, Director, Division of Schoolhouse Planning and Surveys, to U. S. Commissioner of Education, January 24, 1951.

Letter from B. Alden Lillywhite, Acting Director, School Assistance in Federally Affected Areas to General R. L. Murray, Commanding General, Parris Island, South Carolina, March 16, 1964.

Letter from Mr Alden Lillywhite, Director, School Assistance in Federally Affected Areas to Commandant, Marine Corps Schools, November 15, 1965.

Letter from B. Alden Lillywhite, Acting Director School Assistance in Federally Affected Areas, to Lt Colonel Hazel E. Benn, Head, Education and Information Section, Personnel Department, July 29, 1964.

Letter from Edward W. Paulette, Office of Education, Associate Field Representative, Atlanta, Georgia to Doctor A. L. Harris, Director, Field Operations Branch, March 19, 1951.

Memo from Cameron M. Ross to Dr. A. L. Harris, April 13, 1951, subject: Meeting on the Quantico Marine Base School.

Marine Corps Schools Order P1755.5A, subject: School Board Policy Manual, Headquarters Marine Corps Schools, Quantico, Virginia, July 23, 1964.

Metcalf 580: Massachusetts 184.

Minutes of Dependents School Conference, June 18, 1964, U. S. Marine Corps Air Station Beaufort, South Carolina, copy maintained at Headquarters, Marine Corps, Washington, D. C.

Interviews

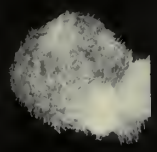
(All interviews were conducted between December 15, 1965 and February 28, 1966 by the author)

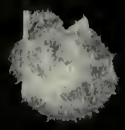
Benn, Lieutenant Colonel Hazel, Education and Information Officer, Headquarters Marine Corps.

Bryant, Mr. Homer M., Superintendent, Quantico Dependents School System, Marine Corps Schools, Quantico, Virginia.

Creasy, Mr. James L., Program Operations Advisor, Office of Education.

Stormer, Mr. William, School Construction Section, Office of Education.





thesA389
A study of the management of dependents'
3 2768 001 89831 5
DUDLEY KNOX LIBRARY